

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

1	UNITED STATES OF AMERICA,	)	CR. NO. 19-00099-DKW-KJM
2		)	
3	Plaintiff,	)	Honolulu, Hawaii
4		)	
5	vs.	)	April 23, 2024
6		)	
7	MICHAEL J. MISKE, JR.,	)	JURY TRIAL - DAY 55
8		)	
9	Defendant.	)	(TESTIMONY OF GOVERNMENT'S
		)	WITNESS ASHLEY WONG)

PARTIAL TRANSCRIPT OF PROCEEDINGS  
BEFORE THE HONORABLE DERRICK K. WATSON  
CHIEF UNITED STATES DISTRICT COURT JUDGE

APPEARANCES:

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United States District Court  
300 Ala Moana Boulevard, Room C-338  
Honolulu, Hawaii 96850

Proceedings recorded by machine shorthand, transcript produced  
with computer-aided transcription (CAT).

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1 TUESDAY, APRIL 23, 2024 9:37 A M. O'CLOCK

2 \* \* \* \* \*

3 (Start of partial transcript:)

4 (Open court in the presence of the jury.)

5 COURTROOM MANAGER: Criminal Number 19-00099-DKW-KJM,  
6 United States of America versus Michael J. Miske, Junior.

7 This case has been called for jury trial, Day 55.

8 Counsel, please make your appearances for the record.

9 MR. INCIONG: Good morning, Your Honor. Mark  
10 Inciong, Michael Nammar, KeAupuni Akina, and Aislinn Affinito  
11 for the United States. Also present are FBI Special Agent Tom  
12 Palmer and Kari Sherman. Good morning.

13 THE COURT: Good morning.

14 MR. KENNEDY: Good morning, Your Honor. Michael  
15 Kennedy with Lynn Panagakos, Michael Miske, Ashley King, and  
16 Josh Barry. And good morning to each of you.

17 THE COURT: Good morning. You may be seated.

18 Good morning to our 16 jurors.

19 Ms. Wong is back on the stand.

20 Good morning to you, ma'am.

21 THE WITNESS: Good morning.

22 THE COURT: I hope everyone was able to take  
23 advantage somehow, with the little bit of extra time that we  
24 had over this long weekend, and as a result are raring to go  
25 here this morning. So thank you for adjusting your schedules

1 to accommodate some needs that we had, and we're ready to  
2 start.

3 MS. Wong, I'll remind you once again, as I have the  
4 last couple of days, that although we won't take the time to  
5 re-swear you, you do remain subject to the same oath that you  
6 took at the start of your testimony. Do you understand that?

7 THE WITNESS: Yes, Your Honor.

8 THE COURT: All right.

9 MS. Panagakos, you may resume your cross when you are  
10 ready.

11 MS. PANAGAKOS: Thank you, Your Honor.

12 ASHLEY WONG, GOVERNMENT'S WITNESS, PREVIOUSLY SWORN.

13 RESUMED CROSS-EXAMINATION

14 BY MS. PANAGAKOS:

15 Q Good morning, Ms. Wong.

16 A Good morning.

17 Q When we left off on Friday we were talking about  
18 photographs you had taken outside of 128 Kuliouou Road.

19 MS. PANAGAKOS: And can we publish 9168-060, page 2,  
20 which was admitted?

21 THE COURT: Go ahead.

22 MS. PANAGAKOS: And page 2, please. Page 3.

23 BY MS. PANAGAKOS:

24 Q And this is the house we were talking about, correct?

25 A Yes.

1 Q And this is one of the vans that you took a photograph of?

2 A Yes.

3 Q And this house was close to where the hatchback that  
4 Mr. Fraser had been driving was found, right?

5 A Yes.

6 Q About 300 feet away?

7 A Very close, yes.

8 Q Like just around the corner?

9 A Yes.

10 Q And the day that the car was found was August 7th,  
11 correct?

12 A Yes.

13 MS. PANAGAKOS: And I'd like to show Ms. Wong only  
14 the map -- I'm sorry -- and Exhibit 9168-151, which is on the  
15 40th supplemental list.

16 THE COURT: Go ahead.

17 BY MS. PANAGAKOS:

18 Q And, Ms. Wong, this is a Google map. Does that accurately  
19 depict the location 6122 Summer Street, where the car was  
20 found, and then the house, 128 Kuliouou Road?

21 A Yes.

22 Q And I believe that you testified that an officer told you  
23 that a HPD K-9 tracked Mr. Fraser's scent from where the car  
24 was found to the house?

25 A Correct.

1 MS. PANAGAKOS: And I'd move to admit 9168-151.

2 THE COURT: Any objection?

3 MR. INCIONG: No objection.

4 THE COURT: 9168-151 then is admitted without  
5 objection.

6 (Exhibit 9168-151 received in evidence.)

7 THE COURT: You may publish it.

8 MS. PANAGAKOS: Thank you. May I publish?

9 BY MS. PANAGAKOS:

10 Q Okay. Again, Ms. Wong, this location on Summer Street is  
11 where the car was found, correct?

12 A Yes.

13 Q And then this location is where the house was?

14 A Correct.

15 Q That the dog tracked the scent to?

16 A Correct.

17 MS. PANAGAKOS: Okay. Can we take that down and show  
18 Ms. Wong 9168-150?

19 THE COURT: Yes.

20 BY MS. PANAGAKOS:

21 Q And, Ms. Wong, the address of the apartment where you were  
22 staying with Delia, that was 6233 Keokea Place, right?

23 A Yes.

24 Q And does this Google map accurately depict the location of  
25 the apartment and then where the car was found on Summer Street

1 and then the house on Kuliouou Road?

2 A Yes.

3 MS. PANAGAKOS: I would move to admit 9168-150.

4 THE COURT: Any objection?

5 MR. INCIONG: No objection.

6 THE COURT: 9168-150 then is admitted.

7 (Exhibit 9168-150 received in evidence.)

8 THE COURT: You may publish.

9 BY MS. PANAGAKOS:

10 Q And so, Ms. Wong, the car was found pretty close to where  
11 the apartment was?

12 A Yes.

13 Q Just on the other side of the Kalanianaʻole Highway?

14 A Yes.

15 Q And then if we could -- in addition to taking photographs,  
16 you also took drive-by videos of this house, right?

17 A Correct.

18 MS. PANAGAKOS: And I'd like to show Ms. Wong  
19 9168-056, which is from the --

20 THE COURT: 37th supp.

21 MS. PANAGAKOS: 37. Thank you, Your Honor.

22 THE COURT: Yes. Thank you. Go ahead.

23 BY MS. PANAGAKOS:

24 Q And, Ms. Wong, this is an extraction report from the phone  
25 that you turned in to -- you turned two phones in to the FBI,



1 right? Your phone, which was an iPhone 6, right?

2 A Yes, I had two phones. I took two phones to the FBI  
3 building in Kapolei.

4 Q One that you were use -- had been using?

5 A Yes.

6 Q And one that Mr. Fraser had been using?

7 A Yes.

8 Q And these are thumbnails of M-O-V files, which are video  
9 files, that were taken from your phone and dated August 9,  
10 2016.

11 MS. PANAGAKOS: And then, Your Honor, may we show  
12 Ms. Wong only the two videos depicted in those thumbnails? The  
13 first one is 9168-057.

14 THE COURT: Yes, you may. Is there any audio  
15 associated with this?

16 MS. PANAGAKOS: I don't believe there's any audio.

17 THE COURT: Go ahead.

18 (Video played.)

19 BY MS. PANAGAKOS:

20 Q Ms. Wong, you recognize that video as one that you stored  
21 in your phone?

22 A Yes.

23 Q And do you remember whether you took that video or whether  
24 it was Brittney or your mom?

25 A I don't remember, but looking at the video and seeing the

1 crack on the dashboard, I do remember my father's car at the  
2 time having a crack on the dashboard, and I don't think he  
3 would allow anybody to drive his car. So this possibly could  
4 have been me searching for Johnnie. So it could have been me  
5 that took that video.

6 Q Searching for him at that house?

7 A Searching for him or any sign that I could find to  
8 locating his whereabouts, or anything to help find him because  
9 at that time he was missing.

10 Q And the officer had told you that his scent had been  
11 tracked to that garage?

12 A Yes. Yes, just --

13 Q And did he tell you that the K-9 alerted to the presence  
14 of human remains in that garage?

15 MR. INCIONG: Objection, hearsay, facts not in  
16 evidence.

17 THE COURT: Sustained.

18 MS. PANAGAKOS: Your Honor, I would move to admit  
19 9168, dash, 056 and 057.

20 THE COURT: We haven't seen 56, but is there any  
21 objection from the government?

22 MR. INCIONG: Not as to five-seven.

23 THE COURT: All right. Without objection, 9168-57  
24 then is admitted. Government has no objection to that one.

25 (Exhibit 9168-57 received in evidence.)

1 MS. PANAGAKOS: Thank you. And may we publish?

2 THE COURT: You may.

3 (Video played.)

4 BY MS. PANAGAKOS:

5 Q And again, Ms. Wong, so now that the jury has seen it,  
6 this was a video you took of the house at 128 Kuliouou Road?

7 A Yes.

8 MS. PANAGAKOS: And can we now show Ms. Wong  
9 9168-058? It's another video that we would like to play  
10 without sound.

11 THE COURT: Go ahead.

12 (Video played.)

13 BY MS. PANAGAKOS:

14 Q Ms. Wong, is that another video you took of 128 Kuliouou  
15 Road, coming from the other direction?

16 A Yes. While leaving that neighborhood, I took a second  
17 video.

18 MS. PANAGAKOS: And I would move to admit 9168-058  
19 and publish.

20 THE COURT: Mr. Inciong, any objection?

21 MR. INCIONG: No objection, Your Honor.

22 THE COURT: 9168-58 is admitted.

23 (Exhibit 9168-58 received in evidence.)

24 THE COURT: You may publish.

25 (Video played.)

1 BY MS. PANAGAKOS:

2 Q And again, now that the jury has seen it, that's another  
3 video you took of the 128 Kuliouou Road residence?

4 A Yes.

5 MS. PANAGAKOS: And now may we show Ms. Wong  
6 9168-056?

7 THE COURT: Go ahead.

8 MS. PANAGAKOS: And highlight the top half -- or  
9 enlarge the top half of the page.

10 BY MS. PANAGAKOS:

11 Q So, Ms. Wong, that is an extraction report of data files  
12 from your iPhone 6 which depicts the thumbnail for the two  
13 videos we just saw, with a record time of August 9, 2016. Does  
14 that sound about right when you took these videos?

15 A Yes, after they found Johnathan's car.

16 Q This is two days later?

17 A Correct.

18 MS. PANAGAKOS: I would move to admit 9168-056.

19 THE COURT: Any objection?

20 MR. INCIONG: No objection.

21 THE COURT: 9168-56 is admitted.

22 You may show it to the jury.

23 (Exhibit 9168-56 received in evidence.)

24 MS. PANAGAKOS: Okay. And now if we could go back to  
25 9168-060, which was admitted last Friday?

1 THE COURT: Go ahead.

2 MS. PANAGAKOS: From the 37th list.

3 And pull up page 3.

4 BY MS. PANAGAKOS:

5 Q And, Ms. Wong, this is the same van that was depicted in  
6 those videos, right?

7 A Correct.

8 MS. PANAGAKOS: And if we could turn to page 1 of  
9 this exhibit, and enlarge the bottom from 9 down. And publish.

10 BY MS. PANAGAKOS:

11 Q And do you see, Ms. Wong, you're telling your mom that  
12 Brandon said tomorrow morning he will ask his boss if they can  
13 ask the old lady to search the van?

14 A Yes.

15 Q And is the van that you're talking about there, the van in  
16 the picture?

17 A I wasn't sure at the time of the text which van -- there  
18 was a van in the garage, and I was assuming that was used to  
19 transport Johnathan's body.

20 Q Okay. And you're not sure which van because there's also  
21 a truck you took photos of, right?

22 A At that time I didn't know what vehicle to look for or  
23 what exactly happened.

24 Q Okay.

25 A I was looking for answers.

1 Q And then later, down further below, you say: If she gave  
2 consent to the house, let's pray she'll help us with the van  
3 too. Right?

4 A Yeah.

5 Q And did Detective Nakasato tell you that this lady had  
6 given consent to search the house?

7 A I don't know what came out of the investigation as far as  
8 the house. We were not given all the details as far as the  
9 investigation.

10 Q Had you been told, though, that the old lady had given  
11 consent to the house?

12 A I was not told that she gave consent or that anybody was  
13 following up with that lead.

14 Q So you don't know whether the house was searched?

15 A I do not know.

16 MR. INCIONG: Objection, asked and answered.

17 BY MS. PANAGAKOS:

18 Q And you don't --

19 MS. PANAGAKOS: I'm sorry. Can I move on to another  
20 question?

21 THE COURT: Go ahead.

22 BY MS. PANAGAKOS:

23 Q You don't know whether the van was -- the van depicted in  
24 the garage was searched?

25 A The investigation, like I said, we were kept out of a lot

1 of the details. To continue, we were told in the best interest  
2 of the investigation, his family and friends were not told  
3 things like human remains or the details of the vehicle. We  
4 were not given a lot of the details.

5 MS. PANAGAKOS: Okay. And then may I show Ms. Wong  
6 9168-053, which is on the 37th list, and I believe was admitted  
7 on Friday?

8 THE COURT: It was, and you may.

9 MS. PANAGAKOS: And may we publish it?

10 THE COURT: Yes.

11 BY MS. PANAGAKOS:

12 Q And, Ms. Wong, you see this is another extraction of a  
13 data file from your phone, and this one is dated August 8th,  
14 2016.

15 And then if we turn to page 2, this is the thumbnail  
16 depicted in the photo. This picture was something either you  
17 or Brittney took during your investigation, right?

18 A Correct.

19 We researched pretty much every day since he went missing  
20 on the 31st. So we were there on the 7th. We were there on  
21 the 8th. We were there on the 9th.

22 Q Right. And I'm just asking you --

23 A Yes.

24 Q -- if this is a photo that you recognize as part of your  
25 investigation.

1 A Correct.

2 MS. PANAGAKOS: Okay. And can we highlight the white  
3 Toyota Tundra pickup truck?

4 BY MS. PANAGAKOS:

5 Q And you see that license plate, RYG 973?

6 A Yes.

7 Q And then after you identified that license plate, did you  
8 search the plate in the court system?

9 A Yes. I tried to do whatever I could.

10 MS. PANAGAKOS: And can we show Ms. Wong 9168-055?

11 THE COURT: Yes. Go ahead.

12 BY MS. PANAGAKOS:

13 Q And, Ms. Wong, this is another extraction of a data file  
14 from your phone, and it's got a -- another thumbnail, another  
15 item dated August 8th, 2016.

16 MS. PANAGAKOS: And can we turn to page 2.

17 BY MS. PANAGAKOS:

18 Q And do you recognize this as a screen shot you took when  
19 you did the license plate search on the Toyota Tundra?

20 A Yes.

21 Q And so you determined that this car was registered to  
22 Craig Kalii [phonetic] Gunderson, correct?

23 A Yes. Correct. Yes.

24 Q And did you learn that he was also the owner of the home  
25 at 128 Kuliouou Road?



1 A Correct.

2 Q And then within a few weeks did you learn that this car  
3 had been stolen?

4 A I can't remember about the stolen aspect. But I did  
5 remember not just forgetting about the house that he was  
6 tracked to. And I did follow up or tried to do follow-ups as a  
7 citizen.

8 Q Yes.

9 MS. PANAGAKOS: Can we turn to -- okay. Did I move  
10 to admit?

11 May I move to admit 9168-055?

12 THE COURT: Yes, you may. Any objection, counsel?

13 MR. INCIONG: No objection.

14 THE COURT: 9168-55 is admitted.

15 (Exhibit 9168-55 received in evidence.)

16 THE COURT: You may publish.

17 MS. PANAGAKOS: May we publish, please?

18 THE COURT: Yes.

19 MS. PANAGAKOS: And now that we're publishing, can we  
20 turn to page 2?

21 BY MS. PANAGAKOS:

22 Q And again, this is the license plate of the Toyota Tundra  
23 pickup truck outside 128 Kuliouou Road, and it's the search --  
24 a screen shot of the search you did?

25 A Correct.

1 Q And the car came back to Craig Gunderson?

2 A Correct.

3 MS. PANAGAKOS: And can we now show Ms. Wong  
4 9168-059?

5 THE COURT: Go ahead.

6 MS. PANAGAKOS: which is from the 37th list and is  
7 not admitted.

8 BY MS. PANAGAKOS:

9 Q Okay. Ms. Wong, this is a timeline extraction from your  
10 phone, and it's got -- it shows an item -- well, it shows a  
11 thumbnail and text, and a call log, between you and your mom.

12 Do you recognize that?

13 A Yes.

14 Q And can we turn -- and you see the thumbnail right there?

15 A Correct.

16 Q Okay.

17 MS. PANAGAKOS: And can we turn to page 2.

18 BY MS. PANAGAKOS:

19 Q And this is the image depicted in the thumbnail?

20 A Yes.

21 Q And then if we turn back to page 1, you see a telephone  
22 call with your mom on viber following the texting of this  
23 thumbnail?

24 A Correct.

25 Q And do you --

1 MS. PANAGAKOS: Can we turn back to page 2, please.

2 BY MS. PANAGAKOS:

3 Q Do you recognize this as a Facebook screen shot that you  
4 stored in your phone and texted to your mom?

5 A Yes.

6 Now that I see the Facebook post, I do remember this truck  
7 recently -- not too long after us finding Johnathan's car in  
8 the neighborhood, I do remember seeing this post and was in  
9 shock, because that indeed was the truck that I had took a  
10 picture of previously, and it just all felt like the dots were  
11 connecting when I saw this post. So I thought it would be  
12 something to screen shot and talk about with my mother.

13 Q And this is the same -- like you said, this is the same  
14 truck that was in the photograph you took outside of the house?

15 A Yes.

16 Q Registered to Kalii [phonetic] --

17 A Same truck.

18 Q -- Craig Gunderson?

19 A Sorry. Yes, same truck outside of the house in -- on  
20 Kuliouou that I did videotape in and out. Yes.

21 MS. PANAGAKOS: Your Honor, I would move to admit  
22 9168-059.

23 THE COURT: Any objection?

24 MR. INCIONG: Yes. Objection, relevance.

25 THE COURT: Overruled. 9168-59 is admitted.

1 (Exhibit 9168-59 received in evidence.)

2 THE COURT: You may publish.

3 MS. PANAGAKOS: Okay. And now may we publish the  
4 second page?

5 THE COURT: Yes.

6 BY MS. PANAGAKOS:

7 Q And so this is what you saw, which was a Facebook post of  
8 Kathy Gunderson asking people to be on the lookout for the  
9 Toyota Tundra truck that you had photographed, reporting that  
10 the DVD player had been stolen and the truck itself had been  
11 stolen?

12 A Correct.

13 Q And it was right outside their house?

14 A Yes.

15 Q Okay.

16 MS. PANAGAKOS: And now can we turn back to page 1 of  
17 this exhibit.

18 BY MS. PANAGAKOS:

19 Q And you see that it's September 3rd when you're texting  
20 this to your mom?

21 A Yes.

22 Q And so that's, you know, just under a month after the dog  
23 had tracked the scent to this house?

24 A Yes.

25 Q And your mom says: Call me on viber?

1 A Yes.

2 Q And Viber is an encrypted app?

3 A I believe so at the time. There's -- I don't remember  
4 Viber but -- yes.

5 Q Most often you'd talk to her just on regular phone, not on  
6 Viber, right?

7 A Yes.

8 Q And do you remember what you guys discussed in this phone  
9 call?

10 A Yes.

11 Q What?

12 MR. INCIONG: Objection, hearsay.

13 THE COURT: Overruled. Go ahead.

14 A We had started to use Viber as a way of communication to  
15 avoid detection. We were told not to investigate Johnathan's  
16 case because the HPD and FBI were investigating it.

17 THE COURT: The question was what -- do you remember  
18 what you guys discussed in this phone call, not why you used  
19 Viber.

20 THE WITNESS: The -- the Viber was used to -- to not  
21 be detected by police because --

22 THE COURT: Did you hear what I said?

23 Did you hear what I said?

24 THE WITNESS: Yes.

25 THE COURT: Okay. The question was not why you used

1     Viber. It was what -- do you remember what you guys discussed  
2     in this phone call that is shown on the thumbnail.

3             THE WITNESS: That that car had gone missing and that  
4     that -- I don't remember exactly what was on the call.

5             MS. PANAGAKOS: Okay. We could take that down.

6     BY MS. PANAGAKOS:

7     Q     Do you know if the stolen truck was ever recovered?

8     A     I do not know.

9             MS. PANAGAKOS: Okay. We could take that down.

10    BY MS. PANAGAKOS:

11    Q     Ms. Wong, last Friday we talked some about people  
12    reporting seeing Mr. Fraser, and I just want to ask you about  
13    some more examples of those instances that happened back then.

14            Do you remember early on, before you made your recorded  
15    statement to the detective, that someone had called  
16    Mr. Fraser's mom and reported seeing Mr. Fraser running from an  
17    apartment on Olomana Street in Kailua?

18    A     No, I don't remember that phone call.

19    Q     You don't remember telling Detective Nakasato about that?

20    A     I don't remember that incident, or that report.

21            MS. PANAGAKOS: Can we show Ms. Wong 9168-050, from  
22    the --

23            THE COURT: Go ahead. I've got it.

24            MS. PANAGAKOS: Okay. Thank you.

25    BY MS. PANAGAKOS:

1 Q Ms. Wong, this is another timeline extraction from your  
2 phone with some thumbnails, and this is dated August 3rd, 2016.

3 And if we can turn to page 2, and page 3, and then back to  
4 page 1, Item Number 5.

5 Do you recall seeing this photograph?

6 A Yes.

7 Q And identifying the slippers depicted in the photograph as  
8 John's slippers?

9 A I had thought that that was his slippers, and it was not.

10 Q Okay. But you told your mom that they were, right?

11 A I was in shock three days after, and I wasn't -- I wasn't  
12 sure until the slippers were bought -- brought to me. This was  
13 a picture of the slippers, muddy and dirty and broken. So when  
14 they brought the slippers to me I was able to identify that  
15 that was not his slippers.

16 Q And who brought the slippers to you?

17 A I don't remember.

18 Q Where were the slippers located?

19 A Olomana, in the mountains.

20 Q Okay. So back to the -- my question about the report of  
21 someone seeing Mr. Fraser running from an apartment on Olomana  
22 Street.

23 MS. PANAGAKOS: Your Honor, may we play for Ms. Wong  
24 9168-104w, which is on the 38th list? And we would need the  
25 headsets for that, which I believe have been distributed.

1 THE COURT: Okay. Go ahead. Just one second.

2 (Audio recording played.)

3 THE COURT: Go ahead. Are you ready?

4 BY MS. PANAGAKOS:

5 Q Ms. Wong, does that refresh your recollection as to  
6 whether the family received a report of someone seeing  
7 Mr. Fraser running from the Olomana Street apartment?

8 A Yes.

9 Q So that was another reported sighting of Mr. Fraser in the  
10 days immediately following his disappearance?

11 A Another -- yes.

12 Q And then later that month, like about mid August, you told  
13 HPD that you had received calls that Mr. Fraser was being held  
14 at 900 Kalaau Place near Kuliouou Ridge Trail.

15 Do you remember that?

16 A Yes.

17 Q And do you know whether HPD investigated that?

18 A I do not know.

19 Q And then Jean Tangaro, Mr. Fraser's auntie, she was  
20 helping field reported sightings as well, right?

21 A Yes.

22 Q And she goes by Costa Gknee on her Facebook post; is that  
23 right?

24 A I don't have Facebook or Instagram. I'm not sure.

25 Q But she shared with you information that she was



1 receiving, right?

2 A In the beginning, yes.

3 MS. PANAGAKOS: And can we show Ms. Wong 9168, dash,  
4 153?

5 Sorry, Your Honor, that's on the 40th supplemental  
6 list.

7 THE COURT: Yes, I have it. Go ahead.

8 BY MS. PANAGAKOS:

9 Q Ms. Wong, this is another extraction of data files from  
10 your phone. And on this page 3 thumbnails are depicted, all  
11 with the date of August 24th, 2016.

12 And if we can turn to page 2, and then page 3, and  
13 then page 4.

14 And so, Ms. Wong, are these screen shots of Facebook posts  
15 you stored in your phone which contained information where  
16 people were reporting possible sightings of Mr. Fraser?

17 A Yes. Yes.

18 MS. PANAGAKOS: I would move to admit 9168-153.

19 THE COURT: Any objection?

20 MR. INCIONG: Objection, hearsay, double hearsay.

21 THE COURT: The objection's overruled.

22 Exhibit shall be received, 9168-153.

23 (Exhibit 9168-153 received in evidence.)

24 THE COURT: You may publish.

25 MS. PANAGAKOS: Okay, may we publish?

1 THE COURT: Yes.

2 BY MS. PANAGAKOS:

3 Q And we'll start with page 1, please.

4 So you see there are three thumbnails, all with the  
5 created date of August 24th, 2016, correct?

6 A Yes.

7 Q And then if we turn to page 2, the person Queenie is  
8 reporting that she feels like she saw him around Bishop Street  
9 and Alakea, between there?

10 A Yes.

11 Q Same scars on face and long hair?

12 A Yes.

13 Q And seeing this reference to Costa Gknee, does that  
14 refresh your recollection as to whether this is Jean Tangaro's  
15 Facebook name?

16 A Yes. That's her Insta -- Facebook.

17 Q And then if we could turn to page 2 -- or 3, I mean. And  
18 then if we see under Debbie Spencer, Ms. Spencer is reporting  
19 having seen Mr. Fraser at Ko'olau theaters?

20 A Yes.

21 Q And she was concerned, for whatever reason.

22 And so if we turn to page -- the next page, you can see  
23 she's reporting -- she's conversing with Ms. Tangaro and saying  
24 that she had told one of the employees to call 911.

25 A Yes.

1 Q And then on August 26th, 2016, you appeared on a newscast  
2 with reporter Chelsea Davis, right?

3 A Yes.

4 Q And in preparation for that newscast, Detective Nakasato  
5 instructed you to avoid talking about Mr. Fraser's traumatic  
6 brain injury and memory issues. Do you recall that?

7 A Yes.

8 Q And you believed, and you told your mom, that the reason  
9 HPD did not want you to discuss Mr. Fraser's traumatic brain  
10 issue -- injury and other memory issues was because they wanted  
11 him to be a credible witness if they needed him to --

12 MR. INCIONG: Objection.

13 Q -- testify?

14 MR. INCIONG: Calls for speculation.

15 A I don't remember that con --

16 THE COURT: Overruled. Go ahead.

17 A I don't remember that conversation.

18 MS. PANAGAKOS: Can we show Ms. Wong -- let me see --  
19 9168-061? which is on the 37th supplemental list and has not  
20 been admitted.

21 THE COURT: Go ahead.

22 BY MS. PANAGAKOS:

23 Q And, Ms. Wong, this is another timeline extraction from  
24 your cell phone. And you see it's a conversation between you  
25 and your mom, right?

1 A Yes.

2 Q And then also with Chelsea Davis?

3 A Yes.

4 Q And in Item 1, on page 1, there's a thumbnail, right?

5 A Yes.

6 Q And it's a flyer that your mom is asking if it's okay,  
7 right?

8 A Yes.

9 Q And you say it's perfect, right?

10 A Yes.

11 Q And then if we could turn to page 4 -- 5 of this exhibit,  
12 this is the thumbnail depicted -- this is the image of the  
13 thumbnail depicted in the first item of the timeline, right?

14 A Yes.

15 Q And on this particular flyer, which you thought was  
16 perfect, it says that Johnathan may be suffering from amnesia  
17 and severe depression, right?

18 A Yes.

19 Q And then if we go back to page 2, 9168-061-0002, and if  
20 you'll look at the bottom, Number 26, and then on to page 3,  
21 Item 30.

22 Does this refresh your recollection as to your discussion  
23 with Detective Nakasato about HPD not wanting you to disclose  
24 the traumatic brain injury and memory issues?

25 A This refreshes me to what me and my mom were referring to,

1 talking about. It still doesn't --

2 I don't remember the detectives, what -- exactly what we  
3 were told to do and not to do. As far as I remember, it was  
4 just talking about the car, we weren't allowed to talk about  
5 the car.

6 Q Okay. If we go back to Item 26.

7 Do you see that here you're talking with your mom about  
8 the police not wanting you to concentrate on the head injury in  
9 the newscast?

10 A Yes.

11 Q Okay. And if we can go back to Item 30.

12 And do you see that here you're telling your mom your  
13 belief as to why HPD doesn't want you to disclose those issues?

14 MR. INCIONG: Objection, misstates the -- the sender  
15 of that text.

16 A Yes, and it's not my mom sending that. That's me. I mean  
17 that's my mom sending it to me. I'm not sending it to my mom.

18 BY MS. PANAGAKOS:

19 Q I'm sorry. I misunder -- yes.

20 So that's your mom's view of why the police did not  
21 want --

22 A Not my view, correct.

23 Q Correct, your mom's view. I'm sorry. I mis -- I misread  
24 that, that item.

25 MS. PANAGAKOS: Your Honor, I would move to admit

1 9168-061.

2 MR. INCIONG: Objection, hearsay. It calls for  
3 speculation. Lack of foundation.

4 THE COURT: What was the last thing you said,  
5 Mr. Inciong? I didn't hear what you said.

6 MR. INCIONG: Lack of foundation.

7 THE COURT: That objection is sustained.

8 MS. PANAGAKOS: Okay. We can take that down.

9 BY MS. PANAGAKOS:

10 Q Following the newscast you received numerous phone calls  
11 and contacts through social media from people reporting having  
12 seen Mr. Fraser, right?

13 A Yes.

14 Q And there was I think a group of more than ten people in a  
15 certain neighborhood in downtown that all reported seeing him?

16 A Correct.

17 Q And you spoke with those people?

18 A Yes.

19 Q And they said the reason they hadn't reported it earlier  
20 was because they didn't know he was missing until they saw your  
21 newscast?

22 A Correct.

23 Q But that group of people was quite certain that they had  
24 seen him?

25 A Yes.

1 Q Okay. And then in middle of September you received  
2 additional information through Facebook and had a conversation  
3 with someone who reported having seen Mr. Fraser at Kalihi  
4 Transit. You remember that?

5 A Not exactly.

6 MS. PANAGAKOS: Can we show Ms. Wong 9168-068 from  
7 the 37th --

8 THE COURT: Go ahead.

9 MS. PANAGAKOS: I mean, I'm sorry, 067 from the  
10 37th --

11 THE COURT: Go ahead.

12 MS. PANAGAKOS: -- supplemental list.

13 BY MS. PANAGAKOS:

14 Q Ms. Wong, do you recognize these texts as coming from your  
15 phone, texts with your mom and with your brother?

16 A No. I'm not texting my brother.

17 Q Hmm?

18 A I'm -- I'm not contacting my brother in this.

19 Q Okay. who's Little Bro?

20 A A friend of Johnathan's.

21 Q Oh, I'm sorry. I just assumed. What friend is that?

22 A A close friend of Johnathan's.

23 Q What's his name?

24 A Jay.

25 Q Is that Jay Johnson?

1 A Jacob Johnson.

2 Q Jacob Johnson, okay.

3 And so these are texts between you and your mom and Jacob  
4 Johnson?

5 A Correct.

6 Q And there's some thumbnails here, right?

7 A Yes.

8 Q And if we could turn to page 4 of this exhibit, and page  
9 5, and page 6. And here's -- page 6 is a screen shot of your  
10 communications with someone, right?

11 A Yes.

12 Q Do you recognize that?

13 A Yes.

14 Q Okay. And page 7.

15 And so do you recognize all of these screen shots and  
16 images?

17 A Yes.

18 Q And do these pertain to the person who reported seeing  
19 Mr. Fraser?

20 A Now that I see the image in front of me and the text  
21 message, I do remember this tip that was given to us.

22 Q And did you talk to the person who reported seeing  
23 Mr. Fraser at this location?

24 A I messaged them and I -- if I can remember correctly, we  
25 sent a family member in the area just to check.



1 MS. PANAGAKOS: And if we could turn back to  
2 9168-068, page 0001. And highlight Item 6.

3 BY MS. PANAGAKOS:

4 Q Do you recall that in addition to sending someone there,  
5 you also spoke with this person?

6 A Yes.

7 Q And you believed she was serious?

8 A Yes.

9 Q And she reported the exact same -- seeing a person with  
10 the exact same scars?

11 A Yes.

12 MS. PANAGAKOS: I would move to admit 9168-067.

13 THE COURT: Any objection?

14 MR. INCIONG: No objection.

15 THE COURT: 9168-67 is admitted.

16 (Exhibit 9168-67 received in evidence.)

17 THE COURT: You may publish.

18 BY MS. PANAGAKOS:

19 Q Okay. Now that we're showing the jury, Ms. Wong, there's  
20 two thumbnails depicted in Item 2 and 7 of this timeline. And  
21 then on page 2, Item 39, there's another thumbnail depicted.

22 And then if we can go to page 4, you see that the  
23 communication was from someone who said his wife just saw him,  
24 meaning Mr. Fraser, at Kalihi Transit and the cops were called.

25 A Yes.

1 Q And that the person that they had seen was wearing all  
2 black --

3 MS. PANAGAKOS: Oh, can we turn to page 5, please.

4 BY MS. PANAGAKOS:

5 Q The person that they had seen was wearing all black?

6 A Yes.

7 Q Shoulder-length hair?

8 A Yes.

9 Q Same scars?

10 A Yes.

11 Q And then page 6 are text message communications between  
12 you and the wife who had actually seen him, reported seeing  
13 him?

14 A Correct.

15 Q And then page 7 is an overhead map with a pin where the  
16 sighting occurred?

17 A Yes.

18 Q Reportedly occurred?

19 A Yes.

20 MS. PANAGAKOS: And then if we can go back to page 1  
21 and highlight Item 6.

22 BY MS. PANAGAKOS:

23 Q You reported to Johnathan's friend Jay Johnson that the  
24 person who reported seeing Mr. Fraser was serious?

25 A Yes.

1 MS. PANAGAKOS: Okay. We can take that down.

2 BY MS. PANAGAKOS:

3 Q And do you remember in the latter part of August,  
4 August 23rd, asking your Auntie Jamie if you should call the  
5 detective about Vinny dad?

6 A No, I don't remember about Vinny's dad.

7 MS. PANAGAKOS: I'd like to show Ms. Wong 9168-068,  
8 which is -- I'm sorry, Your Honor -- on the 37th supplemental  
9 list.

10 THE COURT: Go ahead.

11 BY MS. PANAGAKOS:

12 Q Does this refresh your recollection?

13 A Yes.

14 Q Okay. So you do recall asking Auntie Jamie if you could  
15 call a detective about Vinny dad?

16 A Yes.

17 Q And is this Vinny Pacheco?

18 A I don't know who at this time I was referring to as  
19 Vinny's dad. A lot of people were giving me insight or clues  
20 that they thought would help. I'm not sure who Vinny is at  
21 this text message.

22 Q So you don't remember suspecting Vinny Pacheco?

23 A At this moment I don't even remember that name or what he  
24 looks like or who we are speaking of.

25 Q Do you remember suspecting anybody named Vinny?

1 A No.

2 Q What do you remember about Vinny's dad?

3 A That this was a lead given to us about something. I'm not  
4 too sure what it was about.

5 Q Do you remember anyone ever reporting that the father of  
6 someone named Vinny had pertinent information?

7 A Not at this time, no.

8 Q Do you remember if anyone ever reported that the father of  
9 someone named Vinny was a suspect?

10 MR. INCIONG: Objection, asked and answered.

11 THE COURT: Go ahead. Overruled.

12 A No, I do not -- I do not remember at this time.

13 BY MS. PANAGAKOS:

14 Q Thank you.

15 A Thank you.

16 Q Ms. Wong, we talked last week about Mr. Miske and his  
17 mother and Delia all expressing the belief that Caleb was the  
18 passenger based on the bruising and the way his injuries -- the  
19 way his ribs were fractured, that they had that belief.

20 You remember that?

21 A Yes.

22 Q And you had testified that there was a picture, a  
23 photograph that you may have seen?

24 A Yes.

25 MS. PANAGAKOS: I'd like to show Ms. Wong 9168-147,

1 from the 40th supplemental list.

2 THE COURT: Okay. Go ahead.

3 BY MS. PANAGAKOS:

4 Q Ms. Wong, does this look like the photograph you saw?

5 A Yes.

6 MS. PANAGAKOS: I would move to admit 9168-147.

7 THE COURT: Any objection?

8 MR. INCIONG: No objection.

9 THE COURT: 9168-147 is admitted.

10 (Exhibit 9168-147 received in evidence.)

11 THE COURT: You may publish.

12 BY MS. PANAGAKOS:

13 Q And now that we're publishing, this is the photograph of  
14 Caleb that you had seen, which has bruising consistent with a  
15 passenger seatbelt --

16 MR. INCIONG: Objection.

17 Q -- right?

18 MR. INCIONG: Argumentative.

19 THE COURT: Sustained. Objection to the form is  
20 sustained.

21 BY MS. PANAGAKOS:

22 Q This is the photograph of Caleb with bruising that you  
23 have seen, right?

24 A Correct.

25 Q And I know it's different for you because you were at the

1 scene, but this is among the things that the Miske family said  
2 that they were -- considered evidence that he may have been the  
3 passenger, right?

4 A Yes.

5 Q And Ms. -- you respect -- I think you testified you  
6 respected Mr. Miske's grandma, right? I mean Caleb Miske's  
7 grandma, right?

8 A Yes.

9 Q And you talked with her while Caleb was in the hospital?

10 A Correct.

11 Q And among the things she also considered, she told you,  
12 was that Caleb himself had told her that he was a passenger,  
13 right?

14 MR. INCIONG: Objection, hearsay.

15 THE COURT: Sustained.

16 BY MS. PANAGAKOS:

17 Q Now, with regard to the tribute car, Mr. Miske purchased  
18 the hatchback, right?

19 A Yes.

20 Q Johnathan had found the car, right?

21 A Correct.

22 Q And Mr. Miske stated that he wanted to work with Johnathan  
23 on this because Johnathan was familiar with what Caleb liked,  
24 right?

25 A Yes.

1 Q They were in car club together and best friends?

2 A Yes.

3 Q And so Mr. Miske naturally paid for the car because it was  
4 his car, right?

5 A Yes.

6 Q And Johnathan was doing the work, right?

7 A Yes.

8 Q And so Mr. Miske allowed Johnathan to have the use of the  
9 car while he was working on it, right?

10 A Yes.

11 Q And you're aware that this was not the only tribute car  
12 that Mr. Miske planned to build, right?

13 A Yes.

14 Q He told you that he was interested in building multiple  
15 ones, right?

16 A Yes.

17 Q And you're aware that he did build other ones without  
18 Johnathan, right?

19 A No.

20 Q You're not -- you're aware that he had collected Beetles,  
21 right? VW Beetles?

22 A Yes.

23 Q Are you aware that he turned one of those into a tribute  
24 car?

25 A No, I'm not aware.

1 MS. PANAGAKOS: Can we show Ms. Wong 9168-113, which  
2 is from the 39th supplemental list?

3 THE COURT: Go ahead.

4 BY MS. PANAGAKOS:

5 Q MS. Wong, do you recognize this car?

6 A No.

7 MS. PANAGAKOS: Okay. We could take that down.

8 BY MS. PANAGAKOS:

9 Q You testified that Mr. Miske never finished building the  
10 hatchback into a tribute car, right?

11 A As far as I knew, I didn't know if it was done or not.

12 Q I mean, you're aware that HPD seized the car when -- when  
13 it was found on August 7th, right?

14 A Yes.

15 Q And you're not aware of HPD ever releasing the car to  
16 anyone, are you?

17 A I was told that it was not released.

18 Q Right. So there's no way it could have been finished?

19 A Correct.

20 MS. PANAGAKOS: May we show Ms. Wong Exhibit 2-126,  
21 which was admitted last week during direct examination?

22 THE COURT: Yes. Go ahead.

23 MS. PANAGAKOS: And publish?

24 THE COURT: Yes. Go ahead.

25 BY MS. PANAGAKOS:



1 Q Ms. Wong, you recall this Exhibit 2-126?

2 A Yes.

3 Q And it's the -- pretty much almost all the chats between  
4 you and Mr. Miske from April through August of 2016, right?

5 A Yes.

6 Q And -- excuse me -- it's a couple hundred pages, right?

7 A Yes.

8 Q And --

9 MS. PANAGAKOS: I'm sorry, Your Honor.

10 May we also show Ms. Wong now 2-123, which was  
11 admitted last week --

12 THE COURT: Yes.

13 MS. PANAGAKOS: -- during --

14 THE COURT: Yes. Go ahead.

15 MS. PANAGAKOS: -- direct examination?

16 BY MS. PANAGAKOS:

17 Q And, Ms. Wong, this is only a portion of the call log  
18 between you and Mr. Miske, right?

19 A Yes.

20 Q It shows 20 calls -- it's reverse chronological order, but  
21 the top is August 30th, 2016, and then at the end it goes -- it  
22 begins on July 30 -- it goes from July 30th to August 30th,  
23 2016, right?

24 A Yes.

25 MS. PANAGAKOS: And now can we show Ms. Wong

1 9168-078, which is on the 37th supplemental list?

2 THE COURT: Go ahead.

3 BY MS. PANAGAKOS:

4 Q And this depicts a call log -- a more complete call log  
5 between you and Mr. Miske, right?

6 A Yes.

7 Q Beginning in the time period of April 23rd, which was when  
8 the chats begin, right?

9 A Yes.

10 MS. PANAGAKOS: And then if we can go to the next  
11 page, and the next page.

12 I would move to admit 9168-078.

13 THE COURT: Any objection?

14 MR. INCIONG: No objection.

15 THE COURT: 9168-78 is admitted.

16 (Exhibit 9168-78 received in evidence.)

17 MS. PANAGAKOS: And may we publish?

18 THE COURT: You may publish.

19 And during the break, counsel, if you wouldn't mind  
20 updating my binder, I seem to be missing at least a dozen  
21 exhibits.

22 MS. PANAGAKOS: Will do, Your Honor. I was not aware  
23 of that. I apologize.

24 THE COURT: More like -- more like 50.

25 BY MS. PANAGAKOS:

1 Q Ms. Wong, when we look at page 1 of this call log, you can  
2 see that many of the calls are from you to Mr. Miske, right?

3 A Yes.

4 MS. PANAGAKOS: We'll keep scrolling down.

5 And if we turn to the next page.

6 BY MS. PANAGAKOS:

7 Q See?

8 A Yes.

9 Q Right?

10 MS. PANAGAKOS: Okay. We can take that down.

11 BY MS. PANAGAKOS:

12 Q So after the accident while Caleb was in the hospital, it  
13 was your decision to stay away from the hospital based on  
14 your -- among other things, your family advice and concern  
15 about liability issues, right?

16 A No.

17 Q And you did continue to maintain contact with Maydeen,  
18 Caleb's grandma, right?

19 A Yes.

20 Q And then after -- Caleb passed away on March 12th? Right?

21 A Yes.

22 Q And then after the memorial service, which I believe was  
23 on the 20th -- I don't know if you remember that or were aware  
24 of that.

25 A I don't remember the date of his service.

1 Q But then shortly after the service Delia reached out to  
2 you on Facebook Messenger, right?

3 A Yes.

4 MS. PANAGAKOS: And I'd like to show Ms. Wong  
5 9168-088, which is on the 37th supplemental list.

6 THE COURT: Go ahead.

7 BY MS. PANAGAKOS:

8 Q And this is another timeline extraction from your phone  
9 with a couple of thumbnails.

10 And if we turn to page 2 of this exhibit, that's an image  
11 depicted in a thumbnail, and then page 3.

12 Now if we can go back to page 2.

13 Is this the Facebook Messenger from Delia and your  
14 response that you testified about?

15 A Yes.

16 Q And were these communications on March 25th, 2016?

17 A Yes.

18 Q And then did you -- if we turn to page 1 of this exhibit,  
19 did you forward a copy of these messages to your mother?

20 A Yes.

21 Q So you informed your mom that you were in contact with  
22 Delia from the very beginning?

23 A Yes.

24 MS. PANAGAKOS: I move to admit 9168-088.

25 THE COURT: Any objection?

1 MR. INCIONG: No objection.

2 THE COURT: 9168-88 then is admitted.

3 (Exhibit 9168-88 received in evidence.)

4 THE COURT: Go ahead and publish.

5 MS. PANAGAKOS: May we publish page 2?

6 BY MS. PANAGAKOS:

7 Q And so this is how you reconnected with Delia, was with  
8 these messages, right?

9 A Correct.

10 Q Delia -- Delia telling you: Thank you guys for always  
11 being there for Caleb. Hope you all are doing well. We  
12 definitely need to catch up. Let me know if you need anything.  
13 Sorry I've been off the radar for a while. Just trying to keep  
14 strong for Nila.

15 A Yes.

16 Q And then you responded: Don't be sorry for anything. We  
17 love you. If there's anything we can do, please let us know,  
18 and we'd love to catch up whenever you're ready as well.  
19 Right?

20 A Yes.

21 Q And then your -- Delia did come to your house, or the  
22 Fraser house, I guess, on April 2nd, right?

23 A Yes.

24 Q And then you guys went out bowling with the Fraser family?

25 A I -- I do remember doing a few things, but I don't

1 remember going bowling with her.

2 Q But she came to the Fraser house?

3 A Yes.

4 Q They were aware you had resumed contact?

5 A Not entirely. We hid the first two meetings by being  
6 picked up on the block behind our house.

7 Q Okay. But the first meeting was on April 2nd, right?

8 A Yes. That was a hidden meeting behind our house.

9 Q And we show -- you didn't hide it from your own mom,  
10 though, right?

11 A I -- for some reason I don't hide anything from my mom. I  
12 had told her that we were meeting up with her, but I still  
13 didn't tell her that we were getting picked up. I showed her  
14 this message and showed her the contact but never told her I  
15 was going with her and hanging out again.

16 MS. PANAGAKOS: Okay. If we can go to 9168-116,  
17 which is on the 39th supplemental list.

18 THE COURT: Okay. Go ahead.

19 BY MS. PANAGAKOS:

20 Q And you see this is a text from your mom to you on  
21 April 2nd, the same day as your first get-together with Delia?  
22 You see that?

23 A We didn't go to dinner initially together. We just went  
24 to the beach. As far as I remember.

25 Q Your mom was aware you were getting together with Delia on

1 this day, right?

2 A Yes.

3 MS. PANAGAKOS: I'd move to admit 9168-116.

4 THE COURT: Any objection?

5 MR. INCIONG: No objection.

6 THE COURT: 9168-116 is admitted.

7 (Exhibit 9168-116 received in evidence.)

8 THE COURT: By the way, it's on the 40th supplemental  
9 list, not the 29th.

10 You may publish.

11 MS. PANAGAKOS: Apologize, Your Honor.

12 BY MS. PANAGAKOS:

13 Q And so here your mom is asking you how you're going to  
14 dinner with Delia, right?

15 A Yes.

16 Q So she was aware.

17 You don't recall whether it was dinner or the beach or  
18 what it was, but you recall that this was the day, April 2nd,  
19 and that your mother was aware?

20 A Yes. My mother was aware that we were planning to go to  
21 dinner.

22 MS. PANAGAKOS: And then -- we could take that down.

23 And show Ms. Wong 9168-087, which was admitted last week and is  
24 on the 37th list, supplemental list.

25 THE COURT: Go ahead.

1 BY MS. PANAGAKOS:

2 Q And, Ms. Wong, I'm not going to -- this is the text  
3 message communication between you and Delia on April 5th, 2016,  
4 following your receipt of a communication from Maydeen Stancil,  
5 right?

6 A Yes.

7 Q And then you relayed this conversation to your mom as  
8 well, right?

9 A Yes.

10 Q So she was aware of your first meeting and then this  
11 conversation?

12 MR. INCIONG: Objection, relevance.

13 MS. PANAGAKOS: Your Honor, may I respond?

14 THE COURT: No. Overruled. Go ahead.

15 MS. PANAGAKOS: Thank you.

16 BY MS. PANAGAKOS:

17 Q So your mom was aware of this conversation as well?

18 A Yes.

19 Q And then your next get-together was on April 8th, and it  
20 was just you and Delia and Nala and Diesel, right?

21 A Yes.

22 Q And that was at the beach, right?

23 A Yes.

24 Q And you took some photographs while you were there, right?

25 A Yes.



1 Q And you told your father about this get-together with  
2 Delia, right?

3 A Yes.

4 Q So both your mother and your father were aware that you  
5 were resuming your relationship with Delia, right?

6 A Yes.

7 Q And then after this beach together on -- get-together on  
8 April 8th, you were invited to a -- a get-together at the bay,  
9 right?

10 A Yes.

11 Q With jet skis?

12 A Yes.

13 Q And the entire Miske family, right?

14 A Yes.

15 Q Not just Mike and Delia, but Nila and Diesel and Andi,  
16 yes?

17 A Correct.

18 Q And Andi's kids if they want to come, right?

19 A Yes.

20 Q And Kaulana?

21 A Yes.

22 Q And Johnnie?

23 A Yes.

24 Q The entire family?

25 A Yes.

1 Q And the Miske family invited your family as well?

2 A Yes.

3 Q And on the first invite to the bay you weren't able to go  
4 because John -- Johnathan was sick, right?

5 A Yes.

6 Q But you did tell your father and your mother, both, that  
7 you were planning to go?

8 A Yes.

9 Q And then the next thing was Delia told you that she was  
10 planning a birthday party in honor of Caleb's birthday, right?

11 A Yes.

12 Q And Delia asked you for your help, right?

13 A Correct.

14 Q Because Delia felt that Mr. Miske was overwhelmed?

15 A Delia just knew that I hap -- I enjoyed entertaining  
16 people. So she thought that I would be helpful in planning  
17 Caleb's birthday because I truly enjoy planning parties. It's  
18 something that I love and especially with Caleb, I would love  
19 to help her with that.

20 Q So it was a natural part of your friendship?

21 A Correct.

22 Q And Delia told you to make sure that your whole family  
23 comes, right?

24 A Yes.

25 Q And you told your brother and you invited him, right?

1 Dallas?

2 A Yes.

3 Q And you told your brother that your parents were also  
4 invited, right?

5 A Correct.

6 Q And then you told your mother that you went to that party,  
7 right?

8 A Yes.

9 Q And you texted her photographs and a video from the party,  
10 right?

11 A Correct.

12 Q And -- but you didn't tell her she was invited?

13 A I can't remember inviting my family to Caleb's birthday.  
14 I don't remember if I did invite them or I didn't.

15 Q All right. Well, in your direct testimony you said you  
16 were keeping this from your family because they didn't want you  
17 to be associating with the Miske family. You remember that?

18 A Yes.

19 Q Okay. But that's not quite accurate. You were keeping  
20 your mother informed all along the way, right?

21 A Well, lying about getting picked up sometimes, you know,  
22 telling her about text messages and then not being a hundred  
23 percent truthful.

24 Q All right. But you told her about your first  
25 get-together --

1 A Right.

2 Q -- on April 2nd and your second get-together at the doggy  
3 beach date with Delia?

4 A Correct.

5 Q And the party at the bay?

6 A Correct.

7 MS. PANAGAKOS: And let's look at 9168-126.

8 THE COURT: Go ahead.

9 BY MS. PANAGAKOS:

10 Q This is a timeline extraction from your phone April 23rd,  
11 2016, the same day as the birthday party for Caleb at the bay,  
12 right?

13 A Yes.

14 Q And these thumbnails depict four images and a video,  
15 right?

16 A Yes.

17 MS. PANAGAKOS: And if we can turn to the first  
18 image, and the second image, and the third image, and the  
19 fourth image.

20 And if we can go back to nine -- to page 1.

21 BY MS. PANAGAKOS:

22 Q Do you see you texted all of these images (indicates) to  
23 your mom, right?

24 A Yes.

25 Q And is the baby depicted in the photo, is that Nila?

1 A Correct.

2 Q And then you also texted her a video, right?

3 A Yes.

4 MS. PANAGAKOS: And can we play the video for  
5 Ms. Wong? It's 9168-126A on the 39th supplemental list.

6 THE COURT: Go ahead.

7 (Video played.)

8 BY MS. PANAGAKOS:

9 Q Ms. Wong, these are -- this is a video that's stored in  
10 your phone, right?

11 A Yes.

12 Q And you texted all these images and this video to your  
13 mom, right?

14 A Yes.

15 Q To let her know that you had gone to the birthday party in  
16 honor of Caleb with the Miske family, right?

17 A Yes.

18 Q On the very day that you went, right?

19 A Yes.

20 Q And her response was: Aw, so sweet XOXO. Right?

21 A Yes. I don't -- I don't remember exactly, but --

22 MS. PANAGAKOS: If we can show Ms. Wong 9168-126,  
23 page 1, Item 6.

24 I move to admit Exhibit 9168-126.

25 THE COURT: Any objection?

1 MR. INCIONG: No objection.

2 MS. PANAGAKOS: And 9168-126A.

3 MR. INCIONG: No objection.

4 THE COURT: Those two exhibits are admitted then.

5 That's 9168-126 and dash-126, alpha.

6 (Exhibits 9168-126 and 9168-126A received in  
7 evidence.)

8 THE COURT: You may display or play both for the  
9 jury, if you wish.

10 MS. PANAGAKOS: Thank you, Your Honor.

11 BY MS. PANAGAKOS:

12 Q So let's publish first this timeline page with the  
13 thumbnails. And then your mom's response: Aw, so sweet XOXO.

14 So your mom knew you went, right?

15 A Yes.

16 Q She thought it was sweet, right?

17 A Yes.

18 Q The only thing she didn't know is that the Miske family  
19 had invited her to this party as well?

20 MR. INCIONG: Objection, calls for speculation.

21 THE COURT: We've been down this road. It's been  
22 asked and answered multiple times. The objection's sustained.

23 MS. PANAGAKOS: Okay. Can we publish the first  
24 image?

25 THE COURT: You may.

1 MS. PANAGAKOS: Page 2?

2 THE COURT: Yes.

3 BY MS. PANAGAKOS:

4 Q That's a photograph of Nila, right?

5 A Yes.

6 Q The next page. Is that Diesel?

7 A Yeah.

8 Q The next page. That's the bay?

9 A Yes.

10 Q The next page. That's the one that you testified about  
11 the other day, right?

12 A Yes.

13 MS. PANAGAKOS: And then if we could play the video.

14 (Video played.)

15 BY MS. PANAGAKOS:

16 Q And are you throwing the flowers in the water in honor of  
17 Caleb?

18 A Yes.

19 Q And who is that person in the blue shirt and the maroon  
20 shirt? Who are those people?

21 A In the maroon shirt is Kalen and in the blue shirt is  
22 Jacob, known as Little Bro.

23 Q Jacob who?

24 A Jacob, aka Little Bro.

25 Q Okay. So in addition to you and the Miske family, your

1 friends were there as well?

2 A Correct.

3 Q And the night before this party you guys went to dinner  
4 with Mike and Delia, right? And Dallas? At Kam Wah -- Kam Wah  
5 Chun Noodle Factory [sic]?

6 A I remember going to -- to Kam Wah. I don't remember when  
7 it was.

8 Q Was that the first dinner you had with Mr. Miske?

9 A I remember going to -- to dinner there, yes.

10 Q And he invited your parents to that dinner as well, right?

11 A I don't remember an invitation.

12 MS. PANAGAKOS: Okay, if we could turn to 9168-123,  
13 which is on the 39th supplemental list?

14 THE COURT: 9168-123?

15 MS. PANAGAKOS: Yes, please.

16 THE COURT: Go ahead. It's on the 40th.

17 MS. PANAGAKOS: I'm sorry. I'm sorry. I got that  
18 wrong.

19 BY MS. PANAGAKOS:

20 Q Ms. Wong, this is another timeline extraction from your  
21 phone, this time texts between you and Delia. And you see here  
22 you're talking about your Kam Wah night, right?

23 A Yes.

24 Q And then if we could go down to the bottom, number 12.

25 Does this refresh your recollection as to whether your



1 family was invited to this dinner?

2 A Yes. By Delia, yes.

3 Q They were?

4 A Yes, by Delia's text message I can see that she said the  
5 family can come because "dad said."

6 Q "If they want"?

7 A Yes.

8 Q "Dad said"?

9 A Dad said that if they want, they can come.

10 Q Okay. And then you did -- on the day you went to dinner,  
11 you told your dad, your father, that you had gone to dinner  
12 with Mike, right?

13 A Yes.

14 Q And you told your mother as well?

15 A Yes.

16 Q And then the day after Caleb's birthday party was the car  
17 cruise, right?

18 A Yes.

19 Q And then after that, Mr. Miske went and took a trip to  
20 California, right?

21 A Yes.

22 Q And then you folks went to the Big Island for a couple of  
23 weeks, right?

24 A Correct.

25 Q And then Delia went to New York for a few weeks, right?

1 A Correct.

2 Q And then when you got back from the Big Island, Mr. Fraser  
3 and Mr. Miske worked on getting the car together, right?

4 A Correct.

5 Q And that's pretty much the focus of things at that time  
6 was the car?

7 A Yes.

8 Q And then early June, by early June the car had been  
9 purchased, right?

10 A Yes.

11 Q And Mr. Miske -- Mr. Fraser started working on it?

12 A Yes.

13 Q And you kept your mom informed about the work that  
14 Mr. Fraser was doing on the tribute car for Mr. Miske, right?

15 A I believe there was some communication.

16 Q And you told your mom in advance that you were moving into  
17 Delia's apartment, right?

18 A As far as I could remember, I didn't tell my mom, but I  
19 may have told someone.

20 MS. PANAGAKOS: If we could show Ms. Wong 9168-145,  
21 which is on the 40th supplemental list?

22 THE COURT: Go ahead.

23 BY MS. PANAGAKOS:

24 Q And you see these are text messages between you and your  
25 mom?

1 A Yes.

2 Q And this is on July 27th, right?

3 A Yes.

4 Q So just when you were getting settled in, right?

5 A Yes.

6 Q And you see there's a thumbnail, right?

7 A Yes.

8 Q And if we could turn to the next page.

9 That's a picture of your bedroom at the Keokea apartment  
10 after you had moved in and were settled, right?

11 A Yes.

12 Q And your mom said: Aw, so nice. I'm really happy for you  
13 guys. Right?

14 A Yes.

15 MS. PANAGAKOS: I move to admit 9168-145.

16 THE COURT: Any objection?

17 MR. INCIONG: No objection.

18 THE COURT: 9168-145 is admitted.

19 (Exhibit 9168-145 received in evidence.)

20 THE COURT: You may publish.

21 BY MS. PANAGAKOS:

22 Q Now that we're publishing, you can see that you did tell  
23 your mom in advance that you were moving in with Delia --

24 MR. INCIONG: Objection.

25 Q -- right?

1 MR. INCIONG: Not -- to "in advance."

2 THE COURT: Sustained.

3 BY MS. PANAGAKOS:

4 Q At least three days prior to Mr. Fraser going missing, you  
5 told your mom, right?

6 A Yes.

7 MS. PANAGAKOS: And if we could publish the next  
8 page.

9 BY MS. PANAGAKOS:

10 Q That's a picture of your bedroom, right?

11 A Yes.

12 MS. PANAGAKOS: And if we could go to the first page.  
13 And highlight.

14 BY MS. PANAGAKOS:

15 Q Your mom said: Aw, so nice. I'm really happy for you  
16 guys. Delia must be happy to have company and having someone  
17 there to help with Nila. I'm konked too.

18 And then she talked about her day.

19 MS. PANAGAKOS: And if we can turn and show Ms. Wong  
20 9168-144?

21 THE COURT: Go ahead.

22 MS. PANAGAKOS: which is on the 40th supplemental  
23 list.

24 BY MS. PANAGAKOS:

25 Q If you could just read those to yourself and let me know

1 when you're done.

2 A (Reviews document.) Okay.

3 Q So your mom was aware by the 25th as well, right? That  
4 you were moving in with Delia?

5 A Yes.

6 MS. PANAGAKOS: Okay, if we can go back to 9168-140,  
7 which is also on the 40th supplemental list.

8 BY MS. PANAGAKOS:

9 Q And if you could read this to yourself, and let me know  
10 when you're done.

11 A (Reviews document.)

12 Yes. All done.

13 Q So your mom knew as early as July 18th that you were  
14 moving in with Delia, right?

15 A Correct.

16 Q I mean, and in the handwritten timeline you did for the  
17 detective, you wrote that it was on June 30th that Delia let  
18 you know that it was okay for you to move in with her, right?

19 A A -- yeah. Yes. I put that in my notes that I took.

20 Q And you pretty much let your mom know pretty much as  
21 things were happening, right?

22 A I -- I do recollect now that I see these text messages  
23 that there was a person that I did tell where I was going at  
24 all times, and that was my mother.

25 Q And she was supportive?

1 A Very much.

2 Q And you also told her about your Benihana dinner --  
3 dinner?

4 A Correct.

5 Q And you actually sent her the photograph that you've  
6 testified and showed the jury, right?

7 A I don't remember sending it to her, but it very much could  
8 have been sent to her.

9 MS. PANAGAKOS: If we could show Ms. Wong 9168-142.

10 BY MS. PANAGAKOS:

11 Q And these are text messages with your mom, right?

12 A Yes.

13 Q And then you see the thumbnail here, right?

14 A Yes.

15 Q And you're telling her that it's dinner with Uncle Mike,  
16 right?

17 A Yes.

18 Q And then if we turn to the next page of this exhibit,  
19 that's the same picture that you testified to the jury about,  
20 right?

21 A Yes.

22 Q And so you showed it to your mother on the same day that  
23 you went to dinner, right?

24 A Yes.

25 Q And she told you you look beautiful, right?

1 A Yes.

2 Q She hoped you had a great time with Uncle Mike and Delia,  
3 right?

4 A Yes.

5 MS. PANAGAKOS: I'd move to admit 9168-142.

6 THE COURT: Any objection?

7 MR. INCIONG: No objection.

8 THE COURT: 9168-142 is admitted without objection.

9 (Exhibit 9168-142 received in evidence.)

10 THE COURT: You may publish.

11 BY MS. PANAGAKOS:

12 Q You see here telling your mom a day in advance that you're  
13 going to dinner?

14 A Yes.

15 Q And then earlier in the day of the dinner that it's with  
16 Uncle Mike?

17 A Yes.

18 Q Your mom tells you to have fun, right?

19 A Yes.

20 Q And then if we could turn to the next page.

21 You text your mom that picture, right?

22 A Yes.

23 Q And if we can turn back to the earlier page.

24 Your mom says you look beautiful?

25 MR. INCIONG: Objection, asked three times now.

1 THE COURT: Sustained.

2 MS. PANAGAKOS: All right. I'll move on.

3 If we could show Ms. Wong 9168-136.

4 THE COURT: Go ahead.

5 BY MS. PANAGAKOS:

6 Q These are texts with your mom about moving into Delia's  
7 apartment in Hawaii Kai, right?

8 A Yes.

9 MS. PANAGAKOS: I would move to admit 9168-136.

10 THE COURT: Any objection?

11 MR. INCIONG: No objection.

12 THE COURT: 9168-136 is admitted.

13 (Exhibit 9168-136 received in evidence.)

14 THE COURT: You may publish.

15 BY MS. PANAGAKOS:

16 Q So here you're talking with your mom about your plans to  
17 move into the Hawaii Kai apartment, right?

18 A Yes.

19 MS. PANAGAKOS: And if we can go back to 9168-140.

20 BY MS. PANAGAKOS:

21 Q Ms. Wong, I showed you this before, but I forgot to move  
22 to admit it. This too is conversations with your mom about  
23 your process of moving into the Hawaii Kai apartment with  
24 Delia, right?

25 A Yes.



1 MS. PANAGAKOS: I'd move to admit 9168-140.

2 THE COURT: Any objection?

3 MR. INCIONG: No objection.

4 THE COURT: 9168-140 is admitted.

5 (Exhibit 9168-140 received in evidence.)

6 THE COURT: You may publish that as well.

7 BY MS. PANAGAKOS:

8 Q And 9168-144. The same thing, this is another  
9 conversation I asked you about but forgot to move to admit and  
10 publish this too, is about your discussions with your mom about  
11 moving into Delia's apartment?

12 A Yes.

13 Q And this is on July 25th?

14 MS. PANAGAKOS: If we can publish?

15 MR. INCIONG: If it's not been admitted yet, then it  
16 shouldn't be published.

17 THE COURT: Is this something you want to move to  
18 admit?

19 MS. PANAGAKOS: I'm sorry, Your Honor. I move to  
20 admit 9168-144.

21 THE COURT: Mr. Inciong?

22 MR. INCIONG: No objection.

23 THE COURT: 9168-144 is admitted.

24 (Exhibit 9168-144 received in evidence.)

25 THE COURT: You may publish.

1 BY MS. PANAGAKOS:

2 Q So your mom was helping you with the logistics and, you  
3 know, with the move, right?

4 A Somewhat, yes.

5 Q And other things you did with Delia during this four-month  
6 period were you went to ride horses on the North Shore, right?

7 A I don't remember that.

8 Q You don't remember inviting Delia to be with Brittney and  
9 Little Bro and --

10 A I remember that at Kualoa we just saw the horses. We  
11 never rode horses, so I was kind of lost. But we went to see  
12 horses at Kualoa Ranch.

13 MS. PANAGAKOS: Okay. And can I show Ms. Wong  
14 9168-131?

15 THE COURT: Go ahead.

16 BY MS. PANAGAKOS:

17 Q And these are texts between you and your mom, right?

18 A Yes.

19 Q And you recognize them, right?

20 A Yes.

21 MS. PANAGAKOS: And can we -- I'd like to show  
22 Ms. Wong the next page.

23 BY MS. PANAGAKOS:

24 Q And this is a photograph of Delia and a horse the day that  
25 you all went to Kualoa Ranch, right?

1 A Yes.

2 Q And this was something you initiated, right?

3 A Yes.

4 MS. PANAGAKOS: I'd move to admit 9168-131.

5 THE COURT: Any objection?

6 MR. INCIONG: Relevance.

7 THE COURT: Overruled.

8 9168-131 is admitted.

9 (Exhibit 9168-131 received in evidence.)

10 THE COURT: You may publish.

11 BY MS. PANAGAKOS:

12 Q And so this is June 29th, and you're telling your mom:

13 Delia finally got to touch a horse. Her face was classic.

14 Right?

15 A Yes.

16 Q And then if we can -- and then your mom: I can't wait to

17 see her and meet Nila in person. Right?

18 A Couldn't wait.

19 MS. PANAGAKOS: And can we publish the next page?

20 BY MS. PANAGAKOS:

21 Q And that's a picture of Delia?

22 A Yes.

23 Q You also took video of this outing, right?

24 A Yes.

25 MS. PANAGAKOS: Can we show Ms. Wong 9168-132?

1 THE COURT: You may.

2 MR. INCIONG: Objection, relevance.

3 THE COURT: Overruled.

4 MS. PANAGAKOS: That is not my --

5 (Confers off the record.)

6 BY MS. PANAGAKOS:

7 Q Ms. Wong, this is a data file from your phone depicting a  
8 thumbnail of a video taken on June 28th, 2016, the Kualoa Ranch  
9 day.

10 MS. PANAGAKOS: And now may we show Ms. Wong  
11 9168-132A, which is a video?

12 THE COURT: Okay, you may.

13 MS. PANAGAKOS: Without sound.

14 THE COURT: Yes.

15 (Video played.)

16 MS. PANAGAKOS: I'd move to admit nine -- well --

17 BY MS. PANAGAKOS:

18 Q Ms. Wong, I'm sorry, do you recognize that video?

19 A Yes.

20 Q And that's from this day, right?

21 A From Kualoa Ranch that day, yes.

22 MS. PANAGAKOS: I move to admit 9168-132A.

23 THE COURT: Same objection, counsel?

24 MR. INCIONG: Yes.

25 THE COURT: All right. The same ruling, overruled.

1           You may show it to the jury, and that exhibit is  
2 admitted.

3           MS. PANAGAKOS: Thank you, Your Honor.

4           (Exhibit 9168-132A received in evidence.)

5           MS. PANAGAKOS: May we publish?

6           THE COURT: Yes.

7           MS. PANAGAKOS: Thank you.

8 BY MS. PANAGAKOS:

9 Q     This is the --

10           MS. PANAGAKOS: Oh, I'm sorry. And may I also move  
11 to admit 9168-132, which is the extraction report connected to  
12 the video?

13           THE COURT: Any objection?

14           MR. INCIONG: No objection.

15           THE COURT: That document is admitted as well.  
16 That's 9168-132.

17           (Exhibit 9168-132 received in evidence.)

18           MS. PANAGAKOS: Okay. And may we publish 9168 --

19           THE COURT: Yes.

20           MS. PANAGAKOS: -- dash, 132A?

21           THE COURT: Yes. Go ahead.

22           (video played.)

23 BY MS. PANAGAKOS:

24 Q     who's that -- well, let's -- who's that girl?

25           I'm sorry. I'm not doing this right. Let's stop here.

1           Okay, who's that person?

2     A     Johnathan's friend.

3     Q     Hmm?

4     A     Johnathan's friend.

5     Q     What's his name?

6     A     I forget his name.

7     Q     Okay.

8                     MS. PANAGAKOS: Continue.

9     BY MS. PANAGAKOS:

10    Q     And who's that?

11    A     Brittney Palos.

12    Q     That's Brittney.

13             And then who's the gentleman in the glasses?

14    A     Patrick.

15    Q     That's Patrick? Okay.

16                     MS. PANAGAKOS: Okay. And keep going.

17    BY MS. PANAGAKOS:

18    Q     And that's Delia.

19             And is that person over there Little Bro?

20    A     Yes.

21    Q     Jay Johnson?

22    A     Yes.

23    Q     And so this is an illustration of friendship you were  
24     having with Delia during this time after she contacted you on  
25     Facebook Messenger and you responded, right?

1 A Yes.

2 Q And Patrick, that's the Patrick who you had considered  
3 moving in with but did not because he was hitting on you?

4 A Yes.

5 Q And you told Johnathan?

6 A Yes.

7 Q And, of course, you told Delia that you had been kicked  
8 out of the Fraser house, right?

9 A Yes.

10 Q And that the situation with Patrick wasn't going to work  
11 out, right?

12 MR. INCIONG: Objection. This has all been testified  
13 to previously.

14 THE COURT: Yes, sustained.

15 MS. PANAGAKOS: Okay.

16 THE COURT: Can we move on to something new?

17 BY MS. PANAGAKOS:

18 Q And you went on -- the car club has cruises periodically,  
19 right?

20 A Yes.

21 Q And so you and Delia and Johnathan and all your friends  
22 did a number of those during this time as well, right?

23 A It was a few cruises that we went on post accident, but  
24 not a lot.

25 Q And then, so you've testified about two times -- well, one

1 time at the bay for Caleb's birthday, right?

2 A Correct.

3 Q And then there was other family occasions at the bay,  
4 right?

5 A One other that I know of.

6 Q Just one other?

7 And that was the --

8 A It was a Sunday.

9 Q -- Sunday fun day?

10 A No. It was the car cruise, same day as the car cruise.

11 Q Okay.

12 And then -- and your texts with Mike, they were largely  
13 about the car, right?

14 A Yes.

15 Q And also he shared some of his feelings of grief and loss,  
16 right?

17 A Correct.

18 Q And you did too, right?

19 A Correct.

20 Q And you also told him about the problem in the Fraser  
21 household, right?

22 A Yes.

23 MS. PANAGAKOS: If we could turn to page --

24 Exhibit 2-126, page 158.

25 THE COURT: Go ahead.



1 BY MS. PANAGAKOS:

2 Q And here, you're talking to Mr. Miske about bringing your  
3 things over to Delia's house and about Johnathan's family  
4 having kicked -- kicked you out, right?

5 A Yes.

6 Q And Mr. Miske's response was: Totally up to you guys,  
7 what you wanted to do, right?

8 MR. INCIONG: Your Honor, Your Honor, may we take our  
9 break now?

10 THE COURT: Sure.

11 We're at about an hour and 45 minutes. I warned  
12 everyone that we would try to go a little bit longer with the  
13 segments today, in light of the start time, and so that's why  
14 we've pushed a little bit further. We were only going to take  
15 one break today. We're going to do that now.

16 As we go to break, I'll remind our jurors to please  
17 refrain from discussing the substance of this case with anyone,  
18 including each other; to refrain from accessing any media or  
19 other accounts of this case that may be out there. And  
20 finally, please refrain from conducting any independent  
21 investigation into the facts, circumstances, or persons  
22 involved. If counsel would please remain for a minute.

23 COURTROOM MANAGER: All rise for the jury.

24 (The jury was excused at 11:28 a.m.)

25 (Open court out of the presence of the jury.)

1           THE COURT: All right. You may be seated. Thank  
2 you.

3           So Ms. Panagakos, during your examination a minute  
4 ago or a few minutes ago, rather, I mentioned some missing  
5 exhibits. And I now think I've figured out what's going on  
6 here, so I just wanted you to know as well. The missing  
7 exhibits that I referenced, approximately 50 I think is what I  
8 said in my last comment, those exhibits do not appear to be  
9 missing.

10           what I think you've done, though, is something you  
11 ought to be aware of.

12           I have a binder. I have two binders that contain  
13 Defense Exhibit 9168. One of the binders has 9168, dash, 1  
14 through 69, 1 through 69. Then I have to go to the other  
15 binder. The other binder picks up 9168, 70 through 115. Then  
16 I have to go back to the original binder for 9168, dash, 116  
17 through 153. So that is why. I thought that there was a huge  
18 gap. I thought it was missing. It's actually in a separate  
19 binder right in the middle range of the 9168 set of exhibits.

20           So that's what's going on there. They're not  
21 missing. I have them. They're just in a format I just  
22 described.

23           MS. PANAGAKOS: Thank you very much, Your Honor.

24           THE COURT: Let's take our break.

25           COURTROOM MANAGER: All rise.

1                   (The proceedings recessed at 11:30 a.m. until  
2 11:51 a.m.)

3                   (Open court in the presence of the jury.)

4                   THE COURT: All right. Back from our first and only  
5 break of this trial day.

6                   Ms. Panagakos, you may resume your cross when you're  
7 ready.

8                   MS. PANAGAKOS: Thank you, Your Honor.

9                   Can we publish 2-126, which was admitted last week,  
10 and page 158?

11                  THE COURT: Go ahead.

12                  MS. PANAGAKOS: And can we look at the green bubble  
13 again first? Look at the green bubble first.

14 BY MS. PANAGAKOS:

15 Q Just to recap where we were -- let me stop.

16 This is July 10th, and you're telling Mr. Miske about  
17 logistical issues you're having, because there's a party in the  
18 Fraser house and they don't want to explain to their family  
19 that they kicked you out, right?

20 A Yes.

21 MS. PANAGAKOS: And then I'd just like to publish  
22 Mr. Miske's response.

23 BY MS. PANAGAKOS:

24 Q He says: Totally up to you guys. We're just here for  
25 support. I can't believe they did that with baby on the way.

1           Meaning kick you out, right?

2     A     Yes.

3     Q     They don't realize how much joy this baby is going to  
4     bring into everyone's lives, like Nila did for us. They have  
5     no clue. And honestly, when I first found out Dels was  
6     pregnant, I'll be the first to admit that I was against it, and  
7     now I can't imagine happiness without her in my life. I live  
8     for her.

9           MS. PANAGAKOS: And then if we can turn to the next  
10    page and publish. The first bubble.

11   BY MS. PANAGAKOS:

12   Q     And then Mr. Miske tells you: Don't worry, though. I'm  
13    sure his family will eventually come around?

14   A     Yes.

15   Q     And he's always here for you too?

16   A     Yes.

17   Q     He's providing encouraging words about remaining connected  
18    with Mr. Fraser's family, right?

19   A     Correct.

20   Q     Now, you testified on direct examination about the router  
21    at the house?

22   A     Yes.

23   Q     And you had taken a photograph of that router, right?

24   A     Correct.

25   Q     The password?

1 A Yes.

2 Q And took that photograph from Johnathan -- with  
3 Johnathan's phone?

4 A I don't remember which exact phone I was on, but I  
5 remember taking a photo.

6 Q And then before it was removed, did you connect to the  
7 Wi-Fi using that router?

8 A I don't remember.

9 Q Did Johnathan?

10 A I don't remember.

11 Q Now, on the day that Johnathan went missing, you testified  
12 that you started getting nervous when?

13 A At the spa, on the 30th.

14 Q When did you expect him to leave the apartment?

15 A As soon as he woke up.

16 Q And where did you expect him to go as soon as he woke up?

17 A To the vape shop, Xclusive Vapor in Kaneohe.

18 Q Because you told him -- or you told the detective that you  
19 were planning to meet him at the vape shop around 3:00, right?

20 A Yes. I don't know what time, but I remember telling the  
21 detective that I was meeting Johnathan at the spa -- I mean  
22 at -- sorry, at the Xclusive Vapor.

23 Q But you're saying now that you expected him to just get up  
24 in the morning and go to the vape shop and be there all day?

25 A I expected contact from him, even though -- if he was

1 going in the morning or the afternoon, I expected contact and I  
2 never got that.

3 Q I'd just like to show you Exhibit 2-158.

4 MS. PANAGAKOS: which has not been admitted.

5 It's Ms. Wong's written statement on the  
6 government's -- actually -- (Confers off the record.)

7 It's on the government's 15th supplemental list, Your  
8 Honor.

9 THE COURT: Okay. Go ahead.

10 BY MS. PANAGAKOS:

11 Q And this is your written statement to the detective on  
12 July 31st. You see that?

13 A Yes.

14 Q And at that time you said you thought, you know,  
15 everything was fine until much later in the day. But now  
16 you're saying you -- you see that?

17 A Yes, I see.

18 Q But now your memory is you started getting nervous a lot  
19 earlier, right?

20 A My text message showed how worried I was, yes.

21 Q And when you left that morning, the front door was  
22 unlocked, right?

23 A I can't remember.

24 MS. PANAGAKOS: Your Honor, can we play -- I'd like  
25 to play two clips, brief clips, to see about refreshing

1 Ms. Wong's recollection on this point. It's 9168-104S, which  
2 is on the 38th list.

3 THE COURT: Okay.

4 MS. PANAGAKOS: Your Honor, may I play --

5 (Audio recording played.)

6 THE COURT: My audio unit -- do you want to go ahead  
7 and play that again? My audio unit is out, so I've got another  
8 one.

9 MS. PANAGAKOS: Thank you, Your Honor.

10 (Audio recording played.)

11 BY MS. PANAGAKOS:

12 Q Ms. Wong, does that refresh your recollection?

13 A Yes.

14 Q So when you left that morning, the front door was  
15 unlocked, right?

16 A Yes.

17 Q And the sliding door was unlocked?

18 A Yes.

19 Q And when you returned after the wedding that evening, the  
20 front door was unlocked?

21 A Yes.

22 Q And the sliding door was unlocked?

23 A Yes.

24 MS. PANAGAKOS: Thank you.

25 I have nothing further. Thank you.

1 THE COURT: Mr. Inciong, redirect.

2 MR. INCIONG: Thank you, Your Honor.

3 REDIRECT EXAMINATION

4 BY MR. INCIONG:

5 Q Good afternoon, Ms. Wong.

6 A Good afternoon.

7 Q When Johnathan went missing on July 30th of 2016, in the  
8 days that followed, were you desperate for answers?

9 A Very desperate.

10 Q Were you taking any information anybody gave you and  
11 following that up the best you could to try and find him?

12 A Any and all tips were followed.

13 Q You testified that the Honolulu Police Department had  
14 specifically told you not to do your own investigation. Do you  
15 recall that?

16 A Correct. Multiple times.

17 Q And you just -- you couldn't follow that advice?

18 A Never stopped me from looking for Johnnie.

19 Q Just you had to know? You had to try and find out what  
20 you could?

21 A I had our son in me. I wouldn't stop until I got an  
22 answer, and I won't stop.

23 Q So was there a deluge of supposed tips and sightings that  
24 came in during that period?

25 A So many.



1 Q From all different sources, right?

2 A Yes.

3 Q Social media?

4 A Yes.

5 Q After the news stories ran?

6 A Correct.

7 Q Word-of-mouth?

8 A Yes.

9 Q Did you follow up on each of those the best that you  
10 could?

11 A Pregnant and all. I would go every single time, no matter  
12 what.

13 Q Did that lead you all over the island?

14 A From Nanakuli to North Shore, to downtown, back to the  
15 East Side, in circles, and circles around the island.

16 Q Did this go on for days?

17 A Months.

18 Q Weeks, months?

19 Did any of those leads ever pan out?

20 A None of them are really Johnnie. None of them.

21 Q Were any of those sightings ever verified?

22 A No pictures, no proof, no factual things that it was  
23 Johnathan. Just beliefs and thoughts and sightings of what may  
24 be him.

25 Q Would one example be the slippers that you talked about,

1 supposedly those were his slippers? And when you saw the  
2 picture, did you think maybe they were?

3 A I wanted it to be Johnathan's slippers --

4 Q You were hoping?

5 A -- with every -- everything in me.

6 Q When you saw the slippers, did that crush you realizing  
7 that they weren't?

8 A It was another -- it was another rock unturned. It was  
9 another road that led to a dead end. It was another answer  
10 that didn't answer a question: where's Johnnie?

11 Q Was it difficult for you to keep up and even follow all  
12 these supposed leads and tips?

13 A By the end of my nine-month pregnancy, it was so hard to  
14 physically and mentally keep pushing. And I knew where he was,  
15 and I stopped. I stopped telling the story of him going lost.  
16 I stopped the facade of lying to everybody in the news, telling  
17 people that we found his -- that we didn't find his car,  
18 knowing damn well I was there when we did. All lies to protect  
19 our family. We knew what was -- where he was. He was gone.  
20 So I finally for our son, before he came into this world, I  
21 stopped looking for Johnnie and I --

22 Q So looking back, does it feel like it was all a wild goose  
23 chase?

24 A If I could play that song in the courtroom right now,  
25 that's what I felt like going on, wild goose chase.

1 Q You never saw Johnathan Fraser again after July 30th; is  
2 that right?

3 A I -- I see him in our son. I never physically seen him  
4 after July 30th, 8:00 a.m. I never saw him again. Physically,  
5 no.

6 Q So let me ask you about the contacts that you had with  
7 Delia and Mr. Miske.

8 So after Delia reached out to you in March of 2016, you  
9 started spending time with her, correct?

10 A Yes.

11 Q Started communicating with her regularly?

12 A Yes.

13 Q And then you started doing the same with Mr. Miske?

14 A Yes.

15 Q Was there a void that that contact filled for you during  
16 that time?

17 A Caleb was a big teddy bear. That void was hard to fill,  
18 very hard.

19 Q Did it bring some normalcy back to your life at that  
20 point?

21 A It felt like -- it felt like we were going to be able to  
22 heal again, meaning that having Mike and Delia and Nila in our  
23 lives was the missing piece of the puzzle that we could never  
24 get back. We could never replace Caleb, never.

25 Q Was that true for Johnathan as well as for you?

1 A He felt that stronger than me, and I know that, 'cause  
2 there's nothing more that he wanted, nothing more.

3 Q You guys were doing this, communicating, spending time  
4 with them, despite warnings from your families?

5 A Nobody could have kept us away from Caleb, so nobody could  
6 have kept us away from Mike, no matter what.

7 Q So you testified on cross-examination that your mother was  
8 the one person that you kept updated and informed on everything  
9 that was happening, correct?

10 A Correct.

11 Q There were -- were there others that you did not tell what  
12 was happening?

13 A Pretty much my entire family was shaded from a lot of the  
14 meetings. I may have told my mother where. I wanted to tell  
15 somebody where I was. As a mother to me, being a child back  
16 then, I felt that I couldn't lie about everything that was  
17 happening in my life. I had to tell somebody where I was at  
18 all times, how I felt getting back together with Delia, how  
19 happy it made me. I expressed that with her as well, and she  
20 knew how much Caleb had meant to us.

21 Q Were there parts of John's family that you were shading,  
22 as you said, or not telling the full story as to what was going  
23 on?

24 A Correct.

25 Q You said that you told some people where you were living

1 at that time, meaning in Hawaii Kai, but you did not tell them  
2 the specific location?

3 A Yes.

4 Q Did anybody know the specific location?

5 A Nobody knew the address or how to find us in that house on  
6 the day of July 30th, 2016, no.

7 Q Has this whole experience of having to testify at this  
8 trial brought back a lot of bad memories for you?

9 A A lot of bad, but a lot of good too.

10 Q When I say bad memories, I mean is it beyond just  
11 Johnathan's disappearance? Things like Caleb's death, does  
12 that bring back some of the emotions that we've seen?

13 A Yes.

14 Q The accident, that whole experience as well?

15 A I felt like I was a part of the accident and I'm the only  
16 one that lived to tell the story of the accident. I feel like  
17 I have ghosts with me as I talk about it because I'm the only  
18 one that was there. I'm the only survivor from this. That's  
19 how I feel.

20 Q Do you recall last week at -- at one point during your  
21 cross-examination you responded that something -- words to the  
22 effect that everything was a lie and that you were lying to a  
23 lot of people in your life at that time.

24 So what did you mean by that? I mean, did you mean that  
25 literally everything was a lie or -- explain what you meant.

1 A So because the liability issues and the -- with the  
2 direction of my father telling me that it might not be in our  
3 best interest to reach out to them, I would lie to people like  
4 him, because he would tell me to stay away, and I didn't want  
5 to.

6 Q And when you say "him," who are you referring to?

7 A My dad. And I would talk to him about the situation, and  
8 he would say that it's not in my best interest to be rekindling  
9 this relationship. And I went against his will, as any 18- or  
10 19-year-old girl searching for answers would do.

11 I --

12 Q So you weren't being truthful with your dad about that  
13 part, right?

14 Were you hiding the tribute car from the family too? Was  
15 that another example?

16 A We would park down the street from the Frasers to avoid  
17 them knowing that Johnathan had gotten this car from Mike. It  
18 was very loud. It was very fast.

19 Q You were not telling at least Johnathan's family that you  
20 were -- well, let me rephrase this.

21 You were telling Johnathan's family that you were going to  
22 live with Patrick when that was not true, right?

23 A No.

24 Q When Johnathan's mother texted, when she got the 911  
25 alert, you responded to her text, correct?

1 A Because I had already told them that we were in Kaneohe, I  
2 thought it was my fault that I'd lied, and I was trying to get  
3 answers on where Johnathan was that night without worrying  
4 them, because we had already lied to them about where we were  
5 exactly. So being a scared child, I lied and told them that  
6 everything was okay, that nothing was to worry about.

7 Q Was it simply just so she wouldn't worry, or was there  
8 more to it than that?

9 A I did not want her to know that we were with Mike in the  
10 house. I didn't want to tell her that -- what I had thought.

11 Q So you testified that when Johnathan went missing that  
12 you -- in your heart or in your gut, you knew that Mr. Miske  
13 had taken him and he was gone?

14 A Yes.

15 Q Did you still hold out hope, though, that he would be  
16 found?

17 A I -- I strongly held onto this idea or this thought that I  
18 had in my head, like some bad movie or some bad show, where  
19 Johnnie went to Mexico and maybe he'd come home later.

20 Q Were you hoping this feeling you had was wrong?

21 A I was hoping that he would come home.

22 Q Is that why you continued to look for him?

23 A I didn't want to believe that he was gone, and I still  
24 don't want to.

25 Q When you say you were lying to people when they were --

1 when you're asking them to help them search, you didn't know at  
2 that time what happened, did you?

3 A What I meant by lying on the searches is that early on we  
4 found his car, but we were told not to say that we found his  
5 car due to the investigation. So even in Facebook messages  
6 that I seen during cross-examination said that Johnathan may  
7 still be out there, and if they found his car, and we would --  
8 not me, but his aunt would reply no because that's what the  
9 police officers told us to do, to not say that we found the  
10 car, to not give out exact locations, to just let them do their  
11 job.

12 Q So at any point after Johnathan went missing, did you ever  
13 lie to any of the Honolulu police or any federal agents you  
14 talked to about information that you gave them in regard to the  
15 investigation?

16 A Never have I ever lied.

17 Q Did you ever intentionally try to conceal any information  
18 that you thought would be important to their investigation?

19 A Never.

20 Q So when you told the Honolulu Police Department that you  
21 saw Russell, Uncle Russell punch Johnathan and knock his tooth  
22 out back in November of 2014, was that the truth?

23 A Yes.

24 Q Did you write exactly what Johnathan told you he had seen  
25 on that day when he wrote his written statements for the



1 Honolulu Police?

2 MS. PANAGAKOS: Objection, beyond the scope.

3 THE COURT: Overruled. Go ahead.

4 A Yes.

5 BY MR. INCIONG:

6 Q That was the truth?

7 A Yes.

8 Q So when you told the Honolulu Police Department that you  
9 saw Kaulana Freitas run up to Chesiree Canite's van and try to  
10 grab the wheel and stop -- stop you from leaving, was that the  
11 truth?

12 A Yes.

13 Q When you told the police you saw John Stancil try to block  
14 that van in at Kaneohe District Park and then chased you down  
15 Kahekili Highway, was that the truth?

16 A Yes.

17 Q When you told the police that you saw Caleb driving out of  
18 Windward City with Johnathan as his front seat passenger on the  
19 day of the accident, was that the truth?

20 A Yes.

21 Q When you testified that you heard a loud crash just a  
22 couple minutes later after they left, is that the truth?

23 A Yes.

24 Q When you testified, and you told the police you were one  
25 of the first people on the scene of that accident and you saw

1 Johnathan in the passenger seat and Caleb in the driver seat  
2 pinned, was that the truth?

3 A Yes.

4 Q Was there lots of tension, first at Queen's Hospital, in  
5 between the Fraser and Miske families over this claim that the  
6 Miskes were trying to make that Caleb was in fact not driving?

7 A Yes.

8 Q Was it true that Caleb was not driving, from what you saw?

9 A No.

10 Q After the accident, did Johnathan have significant  
11 injuries?

12 A Yes.

13 Q Trauma to his brain and his body?

14 A Yes.

15 Q Was he at times depressed as a result of those injuries?

16 A Yes.

17 Q Was he -- were there other times he was not depressed and  
18 seemed happy?

19 A Most of the time after the accident, he was very happy.  
20 There was a few times where he had what I would call like  
21 blowouts, like any other person would.

22 Q Were there times that he had problems with short-term  
23 memory?

24 A Yes.

25 Q So when you told the search parties and you put those

1 things on posters, was that the truth?

2 A Yes.

3 Q Was there this long kind of period of no contact from when  
4 the accident happened until into March of the following year,  
5 2016?

6 A It was silent. There was no communication at first.

7 Q Who was the first one that broke that silence and reached  
8 out to connect with anyone between you, Delia, the Miskes,  
9 Johnathan?

10 A I'd gotten a friend request from Delia. Prior to that I  
11 had conversations with Mike -- with Caleb's grandma.

12 Q So when Delia reached out, were you excited by that?

13 A I was -- it was like seeing a friend request from an old  
14 friend that you were very, very close to.

15 Q Was Johnathan excited about that?

16 A It was like Caleb was asking to be his friend on Facebook  
17 all over again.

18 Q Who came up with the idea of the tribute car?

19 A I can't remember exactly. I want to say, if I remember  
20 correctly, that Mike mentioned something about racing to John  
21 while we were -- I mean building a car while we were at a  
22 meeting with him.

23 Q Okay. Did you relay that information to the police when  
24 they were asking you questions about the investigation?

25 A I tried to relay anything and everything I could.

1 Q Was Johnathan excited about the prospect of building this  
2 tribute car?

3 A It brought tears to his eyes and made his heart happy.

4 Q Would it be accurate to say that he was blinded by that  
5 car at that time?

6 A Very accurate.

7 Q Now, there was a delay -- was there a delay between the  
8 time when Delia actually brought up the idea of you moving into  
9 Keokea and the point where you actually physically moved your  
10 things into that condominium?

11 A Yes.

12 Q Do you recall what the reason for that delay was?

13 A There were some logistics. We had a dog, and I was told  
14 that besides us having to pack our things that we would have to  
15 get approval by a landlord for our dog.

16 Q So that -- so that's what you were waiting for, that  
17 approval?

18 A Yes.

19 Q And did Delia then say that had been okayed?

20 A Yes.

21 Q And did you move in shortly thereafter?

22 A Yes.

23 Q So when you testified that Delia told you that the router  
24 was broken just shortly before the spa day, was that the truth?

25 A Yes.

1 Q Was that something that you pointed out to the police that  
2 you thought was odd after Johnathan went missing?

3 A I just couldn't forget it. That's something that I found  
4 when he didn't come home, one of the red flags that I  
5 mentioned. As a way of communication, it was a light bulb in  
6 my head that someone may have took that to do this.

7 Q Do you recall us going through the text messages last week  
8 where there was a text message or two, I believe, where  
9 Johnathan told Mr. Miske in text messages that he needed wi-Fi  
10 to send texts?

11 A Yes.

12 Q When you testified that Delia told you just the day before  
13 you were supposed to go on the spa day, that that was the first  
14 she brought up to you, was that the truth?

15 A Yes.

16 Q Was it the truth when you testified she'd never brought up  
17 or even raised that idea of doing that with you before?

18 A First time I ever heard the story was that week, that we  
19 were going to go to a spa and enjoy ourselves there.

20 Q Was it the truth that the morning you were supposed to go  
21 for the spa Delia said that she lost her phone?

22 A Yes.

23 Q Was it the truth when you testified that you tried to call  
24 her phone multiple times, from both the condo and her vehicle,  
25 and you never heard it ring?

1 A The records show -- I remember reviewing them with you --  
2 how many times I called, and it -- to me it seemed like a  
3 ridiculous amount, looking at back at it. But knowing that I  
4 didn't want to leave Johnathan home without a phone, I  
5 didn't -- I tried not to stop looking for it until it was time  
6 for us to go to the spa.

7 Q So when you testified that when you left to go to the spa  
8 day Johnathan was asleep in bed with Nala, is that the truth?

9 A Yes.

10 Q When you testified that the tribute car, the Honda  
11 hatchback, was parked in front of the Keokea condo when you  
12 left, was that the truth?

13 A Yes.

14 Q Was it the truth that when you tried to reach Johnathan  
15 all day you never received a response?

16 A Yes.

17 Q When you testified that the friends you contacted, nobody  
18 had seen him that day, at the vape shop or other places, was  
19 that the truth?

20 A Yes.

21 Q You testified when you returned from the spa day you  
22 noticed that the car was gone. Was that truthful?

23 A Yes.

24 Q You noticed that -- immediately that Nala, your dog, your  
25 house dog was outside with no water. Was that the truth?

1 A Yes.

2 Q You noticed that the phone that you had specifically told  
3 Johnathan to take with him to meet you at the vape shop was  
4 still in the bedroom; was that the truth?

5 A Yes, right on the ground.

6 Q You noticed that his backpack was there, that had his vape  
7 module that he always took with him if he left, that was there;  
8 was that the truth?

9 A Yes.

10 Q You noticed that his shoes that he would wear when he  
11 drove the tribute car, that those were still there?

12 A Yes.

13 Q Was that the truth?

14 A Yes.

15 Q Was it true that the DVD player, you noticed, was plugged  
16 in and playing when you got back later, after all those hours  
17 of being gone?

18 A Yes.

19 Q You testified that you called jails, police departments,  
20 hospitals, tow yards, beginning that day, July 30th, all the --  
21 through the evening, into the early morning hours of the next  
22 day; is that true?

23 A Yes. I called again and again. Even if they told me no,  
24 I still kept calling.

25 Q Nobody had seen Johnathan Fraser?

1 A Nobody had seen Johnathan Fraser. Nobody had a John Doe.  
2 Nobody had a missing man that resembled him in any way, shape,  
3 or form. No one.

4 Q When you testified that you had your friend Kalen and  
5 Sammo [phonetic] follow you from the wedding to -- back to  
6 Keokea because you were afraid at that point, was that true?

7 A Yes, we both were very scared for my safety, for my life,  
8 knowing that John wasn't answering.

9 Q So you lied to Delia, telling her you're going for a walk,  
10 knowing that you were not going to stay there that night?

11 A Yes, to protect myself and my unborn child, and I didn't  
12 know what was happening at the time.

13 Q You went to your father's that night and stayed in  
14 Kaneohe?

15 A Yes.

16 Q Explain. Did you explain the situation to him?

17 A Yes.

18 Q Did you decide to call the police the following --

19 A Yes.

20 Q -- morning, early the next morning?

21 A Yes.

22 Q July 31st?

23 A Yes.

24 Q When the police came, did you make a statement to them?

25 A Yes.



1 Q You wrote out a handwritten statement?

2 A Yes.

3 Q Do you recall it being three and a half pages that you  
4 wrote out?

5 A Yes.

6 Q Was what you wrote in there the truth?

7 A Yes.

8 Q Did you explain the circumstances that had happened the  
9 day before in that statement?

10 A Yes.

11 Q Today, testifying now six years later, do you -- or, I'm  
12 sorry, eight years later -- do you remember every single little  
13 detail that you wrote in that written statement?

14 A Yes.

15 Q Did you tell the Honolulu Police Department in your  
16 written statement that Johnathan was taking medicine that he  
17 needed as a result of his injuries from the accident?

18 A Yes.

19 Q That was true?

20 A Yes.

21 Q Was it true when you told the police that you knew just  
22 something was wrong when Johnathan hadn't turned up by  
23 10:00 p.m. the night before?

24 A Yes.

25 Q Was it true when you told the police that that was just

1 not normal behavior, that wasn't the kind of relationship you  
2 had with Johnathan?

3 A Yes.

4 Q Did you explain to the police at that time that there had  
5 been this car accident that Johnathan had been involved with  
6 Caleb?

7 A Yes.

8 Q Did you tell them that Caleb had died as a result of that  
9 accident?

10 A Yes.

11 Q Was it true when you told the police that Mike Miske had a  
12 grudge against Johnathan because he felt that he was the driver  
13 in that accident?

14 A Yes.

15 Q Was it true when you told the Honolulu Police that as of  
16 March -- I'm sorry -- May 1st of 2016, Mr. Miske seemed to have  
17 a change of heart and reached out and wanted to start spending  
18 time with you and Johnathan?

19 A Yes.

20 Q Was it true when you answered the police's question that  
21 day as to whether anybody had a grudge against Johnathan, and  
22 you replied that Mike Miske was the only person?

23 A Yes.

24 Q Were you trying to conceal or hide from the police the  
25 reason or the specifics as to why you and Johnathan had been

1 kicked out of his grandmother's house in Kaneohe?

2 A No.

3 Q Do you remember specifically, including in your written  
4 statement, that you had had family problems there and that's  
5 why you were moving out?

6 A Yes.

7 Q Do you remember specifically telling the Honolulu Police  
8 Department the condition that had been placed upon you living  
9 with Delia at the Keokea condo?

10 A Yes.

11 Q What was that condition?

12 A To not tell anybody because the place that we were going  
13 to live in was Mike's girlfriend's.

14 Q Was it true when you told the police that Mr. Miske was  
15 aware that you were staying at Unit 101 at Keokea Place as of  
16 July of 2016?

17 A Yes.

18 Q Was it true that you had just moved in shortly, less than  
19 two weeks, before Johnathan went missing?

20 A Correct.

21 Q Did you explain to the Honolulu Police Department that you  
22 were pregnant and that Johnathan would never disappear like  
23 this with you expecting his child?

24 A Yes.

25 Q Did you explain to the Honolulu Police Department that you

1 had left the note on the morning you went for the spa day,  
2 telling him where to meet you and to bring you the green  
3 iPhone?

4 A Yes.

5 MR. INCIONG: Could we show the witness and publish  
6 Exhibit 2-154, please, at this time?

7 That was admitted previously from our 14th  
8 supplemental, I believe.

9 THE COURT: Go ahead.

10 BY MR. INCIONG:

11 Q Is that the note you left for Johnathan that morning?

12 A Yes.

13 Q Were you telling the police the truth when you told them  
14 you returned from the spa and it seemed like everything was  
15 untouched other than Johnathan's belt, slippers, and wallet?

16 A Yes.

17 Q Did you explain to the police that Nala would never have  
18 been left outside with no water, that she was like your baby?

19 A Yes.

20 Q Were you telling the truth to the best of your ability  
21 when you told the police that Mr. Miske had purchased the  
22 tribute car on June 1st of 2016?

23 A Yes.

24 MR. INCIONG: Could we show the witness and publish,  
25 please, Exhibit 2-126, previously admitted?

1 THE COURT: Yes.

2 MR. INCIONG: At page 61 to begin with?

3 THE COURT: Go ahead.

4 MR. INCIONG: Can you blow up the bottom bubble,  
5 please?

6 BY MR. INCIONG:

7 Q Do you recall this text?

8 A Yes. That was Johnathan messaging Mike that we were going  
9 to be walking across the street to Windward City, 'cause we  
10 were living at his grandparents' house.

11 Q Was that the day that you went and purchased the tribute  
12 car?

13 A Yes.

14 Q Do you see the date there of May 29th of 2016?

15 A Yes.

16 Q So when you told the police that it was June 1st of 2016,  
17 did you intentionally tell them the wrong date?

18 A No. I may have gotten exact dates wrong.

19 Q So you were off by just a couple days?

20 A Correct.

21 Q So after you made the written statement to the Honolulu  
22 police officer at your father's house on the morning of  
23 July 31st, 2016, did you meet later that afternoon with a  
24 different Honolulu police officer?

25 A Yes.

1 Q Do you recall where that meeting was?

2 A If my recollection is correct, that meeting was at the  
3 Keokea Place.

4 Q Do you remember prior to going to Keokea Place actually  
5 meeting that officer at a Honolulu Police substation near the  
6 Outback Steakhouse in Hawaii Kai?

7 A I don't remember the exact meeting.

8 Q Okay.

9 A I do recall a number of meetings with officials and HPD.

10 Q Did you give another statement at that time to that -- to  
11 that officer who you first accompanied to the Keokea condo?

12 A Yes.

13 Q Did you meet then again a few days later with a different  
14 detective yet from Honolulu Police Department?

15 A Yes.

16 Q Was that some of the -- the recorded clips we heard over  
17 the last couple of days, was that the meeting that you remember  
18 with that Detective Nakasato?

19 A Yes.

20 Q So when you answered all of these different police  
21 officers' questions, whether it was on July 31st, August 2nd or  
22 other days, did you answer truthfully?

23 A Yes.

24 Q Did you answer consistently the same, gave -- give the  
25 same answers to the same questions you were asked over and over

1 again?

2 A I -- I feel like a broken record. I've responded so many  
3 times to them, same stories again and again but just through  
4 different officers.

5 Q Have you testified at this trial the same -- the same way,  
6 the same answers?

7 A The same story I've told since the beginning.

8 Q Now, I just want to circle back for one moment to the  
9 phones. There were two phones that you and Johnathan used,  
10 correct?

11 A Yes.

12 Q One with a data plan, one without a data plan?

13 A Yes.

14 Q You shared both of those phones, though, from time to  
15 time, true?

16 A Correct.

17 Q The phone that was left with Johnathan the morning you  
18 went to the spa date, that was the phone that did not have the  
19 data plan?

20 A Yes. No data was on that green iPhone that was left  
21 there.

22 Q That was the phone that you found still there when  
23 Johnathan was gone?

24 A Correct.

25 Q You were asked on cross-examination about whether

1 Johnathan had sold drugs, owed people money for marijuana,  
2 things of that nature. Let's -- I want to make sure we  
3 understand kind of the time frame when we're talking about. So  
4 let's start with before the accident.

5 Before the accident, were you aware Johnathan was selling  
6 marijuana?

7 A Yes.

8 Q Was he selling any other type of drug?

9 A He would sell sometimes his prescribed pills because he  
10 did not want to take them.

11 Q Okay. So I'm talking about before the accident.

12 A Oh, yes. Before the accident, he did not have access to  
13 pills. He sold marijuana and dabs.

14 Q Okay.

15 A And I was aware of that.

16 Q And dabs is just a concentrated form of marijuana that you  
17 put in the vape modules, correct?

18 A Correct.

19 Q All right. What kinds of -- what types of, amounts of  
20 marijuana are we talking about that he was selling?

21 A He was a kid. It was no -- if you were to look at like  
22 the weight on it --

23 Q Yeah.

24 A -- it was an eighth of marijuana, which costed \$40.

25 Q It was --



1 A Maybe a gram of marijuana, which costed \$20. This was  
2 never amount over something to go missing for. It was never  
3 that big of amounts of drugs that he sold. And he didn't  
4 purchase big amounts of drugs from anyone because he didn't  
5 have the money to.

6 Q You testified earlier he was a -- he was a heavy marijuana  
7 user. There's no secret about that, right?

8 A Correct.

9 Q So now let's talk about after the accident. Were you  
10 aware of whether he was continuing to sell marijuana after the  
11 accident?

12 A I was aware a few times he had gotten marijuana sold to a  
13 friend's.

14 Q What about once you learned that you were pregnant and he  
15 was going to be a father, did that change anything?

16 A Yes. Very much.

17 Q Explain that.

18 A Growing up in Hawaii, everyone knows how expensive it is  
19 and especially if you have a baby on the way.

20 Johnathan and I had this plan to raise our children  
21 financially by ourselves, meaning we were not going to sell  
22 drugs to raise this child. We were not going to take the easy  
23 way out and just get the quick money. He was going to get a  
24 job. I was going to stay home with our child and raise him.  
25 And that's what our plan was. So he would stop selling drugs.

1 He wouldn't live that lifestyle like he did before, that go,  
2 go, go. He wanted to slow down. He wanted to be a father. He  
3 wanted to do the right thing.

4 Q Is that why the Matson job that Mr. Miske offered was so  
5 attractive to you?

6 A It was, for John, an easy job. He knew that if Caleb  
7 could have it and Mike was promising it to him that he could be  
8 the father -- that he could be the father that he wanted to be.  
9 He could go to work. He could make money. And he wouldn't  
10 have to sell drugs anymore. He would be able to do it how  
11 you're supposed to.

12 Q Entire time that you were with Johnathan, did you ever  
13 know of or were you ever aware of any occasion where people  
14 were after him for not paying a drug debt?

15 A People would call Johnnie for that 40-dollar drug debt or  
16 that 60-dollar, 20-dollar drug debt, and Johnnie would tell  
17 them: You know where I live. And they would come, and they  
18 would fight with their hands, and they would settle it. And  
19 that happened twice while I was with Johnathan. And it was  
20 like fighting physically, squash the problem, and they -- it  
21 was never -- never followed us. It never hung around us like  
22 this dark secret in his past. Johnathan would right -- stand  
23 up for what he did, and he would take the beatings. He did it  
24 twice. So I'm aware of those times where he has unpaid debts.

25 Q Were those before or after the accident?

1 A Long before the accident. This is when Johnnie and I  
2 first had gotten together. This is before I kind of told  
3 Johnnie that's not the -- that's not the way that I want to  
4 live, it's not the way that we should be going up.

5 Q Were you aware at the time he disappeared of him owing  
6 anybody for anything?

7 A He was just happy to be alive.

8 Q Were you aware of anybody on this Earth other than Mike  
9 Miske having a grudge against Johnathan?

10 A Nobody. Nobody.

11 MR. INCIONG: Nothing further, Your Honor.

12 THE COURT: Recross?

13 MS. PANAGAKOS: Yes, Your Honor.

14 RECROSS-EXAMINATION

15 BY MS. PANAGAKOS:

16 Q Ms. Wong, you were born in September of 1994, right?

17 A Yes.

18 Q So in July 2016 you were 21, almost 22 years old, right?

19 A Yes.

20 Q Not 18 or 19?

21 A No.

22 Q And Johnathan was born in May of 1995, right?

23 A Yes.

24 Q So in July 2016 he -- he also was 21?

25 A I -- yes.

1 Q Now, over the course of your testimony I heard you testify  
2 that you learned from Johnathan's stepmother that Mr. Miske had  
3 told her that -- expressed his view of the bruising on Caleb  
4 being consistent with him being the passenger?

5 A Yes.

6 Q And you may have heard that from your father as well, that  
7 Mr. Miske said that, right?

8 A I was in the waiting room when he showed Johnathan's  
9 mother and stepmother, Casey [verbatim] Fraser, that picture.  
10 I was sitting on the chair there.

11 Q And he said that he was going to look into it?

12 A I don't remember what exactly he said. I remember him  
13 showing her the picture and mentioning this theory.

14 Q And your father said it was not in your best interest to  
15 talk with Mr. Miske because of liability issues, right?

16 A That was Johnathan's family.

17 Q Johnathan's family, okay. About liability issues?

18 A Yes.

19 Q And you told the detective on August 2nd, 2016, Mr. Miske  
20 never threatened you?

21 A Yes.

22 Q Never threatened Johnathan?

23 A I don't know.

24 Q You heard others make statements about this on social  
25 media, not Mr. Miske?

1 A I don't remember.

2 Q Mr. Miske doesn't post on social media, right?

3 A No.

4 Q You had that conversation with Delia on April 5th, 2016.

5 MS. PANAGAKOS: If we could publish 9168-087?

6 THE COURT: Go ahead.

7 Did you say 087?

8 MS. PANAGAKOS: 087, on the 37th supplemental --

9 THE COURT: Yes. Go ahead.

10 MS. PANAGAKOS: -- list, which was admitted.

11 And if we can turn to page 2, the bottom bubble.

12 BY MS. PANAGAKOS:

13 Q Delia told you she knew, based on her information, that  
14 Caleb wasn't the driver, right?

15 A Yes.

16 Q And then on the next page, page 3, the middle blue bubble  
17 down here: But I don't blame John for the accident. I never  
18 did. Do you see that?

19 A Yes.

20 Q And then page 4, the top bubble: I just wanted everyone  
21 to be okay and become the happy family we were supposed to be.

22 A Yes.

23 Q And then the next blue bubble: It doesn't matter what  
24 happened.

25 And then if we turn to page 8, the bottom bubble: HPD

1 told Uncle Mike they were going to charge the truck driver.

2 That's the driver of the other car, right?

3 A Yes.

4 Q And then the top on the next page, page 9: Uncle Mike  
5 doesn't want to press charges. He wants Caleb to be in peace  
6 and everyone to always honor his memory with good times.

7 And then the next blue bubble: At first he -- that's  
8 Uncle Mike -- was mad when HPD told him about the truck driver.  
9 But he feels it could have been anyone that didn't make it and  
10 an accident is an accident.

11 A Yes.

12 Q So that's the way Delia described it to you?

13 A Yes.

14 Q The way Mr. Miske has reported describing it, the way  
15 Mr. Miske's mother described it, nobody has ever said they held  
16 a grudge, correct?

17 A Yes.

18 Q And so you did see Johnathan get in at least two fights  
19 over drug debts, right?

20 A Yes.

21 Q And he didn't tell you everything about his criminal  
22 activity; like he never admitted stealing the watch, right?

23 A Correct. He wouldn't tell me everything.

24 Q And did you look in his phone and see his conversations,  
25 his drug dealing-related con -- text messages?

1 A I don't remember.

2 Q You don't remember seeing him discussing taxing fuckers?

3 A No.

4 Q Or robbing drug dealers?

5 A No.

6 MS. PANAGAKOS: I have nothing further. Thank you.

7 THE COURT: Ms. Wong, you may step down. Thank you,  
8 ma'am.

9 THE WITNESS: Thank you, Your Honor.

10 (witness excused.)

11 (End of partial transcript.)

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1 COURT REPORTER CERTIFICATE

2 I, Ann B. Matsumoto, Official Court Reporter, United  
3 States District Court, District of Hawaii, do hereby certify  
4 that pursuant to 28 U.S.C. Sec. 753 the foregoing is a  
5 complete, true, and correct transcript of the stenographically  
6 recorded proceedings held in the above-entitled matter and that  
7 the transcript page format is in conformance with the  
8 regulations of the Judicial Conference of the United States.

9 DATED at Honolulu, Hawaii, June 24, 2024.

10

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12

13

/s/ Ann B. Matsumoto  
ANN B. MATSUMOTO, RPR

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